

Exploring the Enabling Approach to Housing through the  
Abuja Mass Housing Scheme

By

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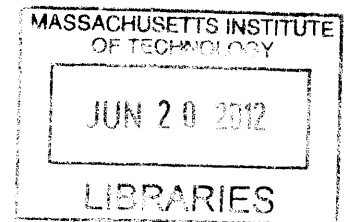
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## **Abstract**

The magnitude of the housing problem in Nigeria is immense; the current deficit is around 12 to 16 million units. Government attempts to address housing availability has been a recurring theme throughout Nigeria's history. Yet, many government led interventions of direct provision have been unable to significantly impact access to and supply of housing for low and moderate income populations.

While messy political realities are acknowledged as contributing to the failure of many of these past housing programs, the analysis of the necessary solutions are more focused on financial and property rights institutions, the broad economic environment and physical capital. Articulating the solutions to the challenges around housing production and access in Nigeria in this way, has led to the embrace and official endorsement of the "enabling" framework, which advances private sector participation in the housing market through prioritizing the aforementioned "necessary solutions," as critical to solving Nigeria's housing access issues.

This thesis explores the "enabling" approach to housing by investigating one particular program in Nigeria, the Abuja Mass Housing Scheme (MHS). On paper, the MHS seems to adopt this framework as a mechanism for strengthening housing supply and demand in Abuja, Nigeria. This thesis explores the challenges that have been encountered in the MHS with a particular emphasis on understanding why the "enabling" framework as implemented in this case has not worked? The sub-questions include: What might the application of the enabling framework for housing in the Abuja MHS suggest about the challenges of the approach? What is required to actually make "enabling" work in a context like Nigeria? This thesis tries to answer these questions through applying a historical exploration of why and how Abuja was created and an analysis of the land institutions that deeply impact the housing development process in Abuja to an investigation of the MHS.

The analysis of the MHS suggests that applications of the "enabling" framework need to aggressively consider the political realities on the ground in order to have any chance at working. This thesis argues that the "enabling" literature seems to have overemphasized market functions to the exclusion of politics, governance and accountability and that if politics are not considered in the framing or embrace of the "enabling approach" the intended impact of the framework cannot be successfully achieved. Moreover, it argues that the attempts to implement an "enabling approach" ought to be grounded in a deep analysis of which actors are being enabled and the potential unintended consequences of this.

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## **Glossary of Acronyms**

ACN	Action Congress of Nigeria
AGIS	Abuja Geographic Information Systems
ANPP	All Nigeria People's Party
CofO	Certificate of Occupancy
FCC	Federal Capital City
FCDA	Federal Capital Development Authority
FCT	Federal Capital Territory
FEC	Federal Executive Council
GRA	Government Restricted Area
GSS	Global Shelter Strategy
LUA	Land Use Act of 1978
MHS	Mass Housing Scheme
NGO	Non-Governmental Organization
PDP	Peoples Democratic Party
SERAC	Social and Economic Rights Action Center
UNCHS	United Nations Centre for Human Settlements

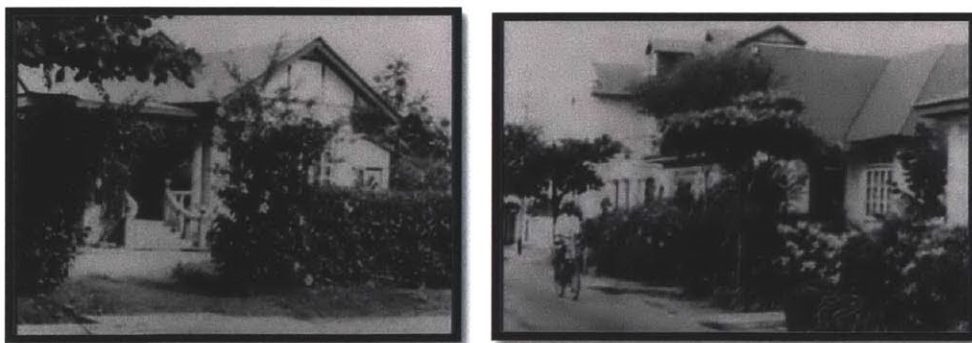
## Chapter 1: Introduction

The magnitude of the housing problem in Nigeria is immense. According to academics and real estate professionals, the housing deficit falls somewhere between 12 and 16 million units (Akeju, 2007). Low and medium income households represent 65% of Nigeria's population and about 85% of housing demand in the country (Alitheia, 2012). Access to, and supply of, housing for low and medium income households in Nigeria's cities, that are not informally built or located within slums, is extremely limited.

### 1.1 Context

Housing availability has been an important theme throughout Nigeria's history. From colonial rule, to the back and forth between civilian and military rule, and into the current thirteen year long period of "democratization," the Nigerian government has had varying roles to play in the provision of housing. The public housing policy of the colonial government focused on the direct provision of living quarters for a tiny portion of the population. These individuals were expatriate staff of the colonial government and indigenous staff in specialized occupations such as the railways and police (Aribigbola, 2000; Olotuah, 2009; Oni, 1989). The former were housed primarily in areas known as Government Restricted Areas (GRAs) built in regional capitals, pictured in Figure 1 below, and the latter were housed in the African quarters (Olotuah, 2009).

Figure 1: Colonial government housing for expatriates: GRAs



Source: Colonial Film: Moving Images of the British Empire

At the attainment of independence and the immediate period thereafter, public housing was limited, elitist and still largely comprised of middle class estates for government officials and privileged expats (FRN, 1981; Ogu et.al, 2001). In Nigeria's

first National Development Plan, covering 1962-1968, the government's efforts at housing provision were focused primarily on Lagos, which at the time was experiencing intense flows of in-migration. Of 61,000 units proposed in the plan, less than 1% were built (Olotuah, 2009). By the Third National Development Plan, covering 1974 to 1980, government interest, at both the federal and state levels, in the idea of housing as the government's responsibility, increased. The Federal Government stated that it,

"...accepts it as part of its social responsibility to participate actively in the provision of housing for all income groups and will therefore intervene on a large scale in this sector during the plan period. The aim is to achieve a significant increase in the supply and bring relief especially to the low income groups who are the worst affected by the current acute shortage" (Federal Government of Nigeria, 1975, p.308).

Unfortunately, formal acknowledgements like this did not lead to drastically different outcomes. From 1974-1980, only 28,000 dwelling units, about 14% of the proposed goal, were constructed directly by the federal and state level governments (Olotuah, 2009). Despite this emerging trend of their being a huge gap between the numbers of units planned and the numbers delivered, the Federal Government continued to generate proposals focused on the government's direct provision of more housing units. As Figure 2 demonstrates, the limited public housing that was produced was often of low quality and poorly maintained.

Figure 2: Example of a public housing development in Lagos, Nigeria



Source: Canadian Catholic Organization for Development and Peace

In the Fourth National Development Plan, for 1981-1985, the civilian government, headed by Alhaji Shehu Shagari, proposed what was relatively the most



successful public housing program in Nigeria to date. Homes were constructed in all of the then 19 States of the Federation and Abuja. As a result, 20% of the planned 160,000 units were built (FGN, 2004; Olotuah, 2009). The original goal was that 80% of the units would be targeted at low-income households; however, most of the units were too highly priced to be affordable to this group. (Olotuah, 2000; Olotuah, 2009). As a result, the majority of these houses were purchased by the wealthy whom then rented them out to poor households (Benjamin, 2000; Olotuah, 2009; Olotuah, 2000).

In addition to the aforementioned interventions, other key approaches to housing development that have been pursued in Nigeria include slum clearance and resettlement, public housing schemes, sites and services, settlement upgrading and self-help housing (Ogu, 2000). The failure of these interventions and the direct government provision of housing, to achieve their targets and goals are rooted in a number of challenges. These are summarized in the literature as including: the lack of institutionalized continuity, over politicization of the programs and political corruption (Abdullahi and Abd Aziz, 2010; Ogbuozobe, 2001; Awotona, 1990; Ikejiofor, 1999b; Aribigbola, 2008; Ndubueze, 2009). Yet, the barriers to housing production and access in Nigeria are usually framed within that same body of literature as: difficulty accessing land, insecure property rights, an unstable macroeconomic environment, unenforceable contracts, expensive building materials and inadequate infrastructure, and access to finance (Akeju, 2007; Boleat, 2008; Ogu, 2001).

While messy political realities are acknowledged as contributing to the failure of many housing programs, the analysis of the necessary solutions are more focused on financial and property rights institutions, the broad economic environment and physical capital. Articulating the solutions to the challenges around housing production and access in Nigeria in this way, has led to the embrace and official endorsement of the “enabling” framework, which advances private sector participation in the housing market through prioritizing the aforementioned “necessary solutions,” as critical to solving Nigeria’s housing access issues. For example, in 1991, the national government endorsed an “enabling” approach as one of the 4 objectives of the first consolidated National Housing Policy. The document announced the government’s resolve to “encourage private and public involvement in the direct construction of housing for letting and for sale in the



urban areas” as a way of addressing the challenges in housing delivery for the country (Federal Republic of Nigeria, 1991, p.22). This was the first time the role of the private sector in housing production was given credence in any real way by the national government. The embrace of this approach to housing has since continued. Under the leadership of President Olusegun Obasanjo (1999-2007), the Federal Government concentrated on instituting private public partnership programs across many sectors, housing included. The National Housing Policy of 2002, which has the broad goal of ensuring that all Nigerians have access to decent housing accommodation at affordable costs, also stresses private sector-led housing programs with “government encouragement and involvement” (Ndubueze, 2009; Federal Government of Nigeria, 2002, p.7).

## **1.2 Scope of Thesis**

This thesis explores the “enabling” approach to housing by investigating one particular program in Nigeria, the Abuja Mass Housing Scheme (MHS). On paper, the MHS seems to adopt this framework as a mechanism for strengthening housing supply and demand in Abuja, Nigeria. Abuja is a new-territory that was carved out of existing states in the 1970s to serve as the new capital of the Federal Republic of Nigeria. The Abuja Mass Housing scheme was initiated in the year 2000 in the Federal Capital Territory (FCT) of Abuja as a public-private partnership aimed at providing adequate and affordable housing accommodation for the growing population in the Territory. Under the program the government of the FCT was to make available land allocations at low-prices to private sector real estate developers. These developers were to then construct estates of affordable housing and tertiary infrastructure, linking these communities to the government provided primary infrastructure. The MHS was created as a result of pressure from a number of forces. The enabling approach to housing was continuing to gain prominence all over the country. There was a rapidly growing demand for affordable housing in Abuja and there was an increasing government inability to handle the infrastructure needs faced by the territory. This thesis explores the challenges that have been encountered in the MHS with a particular emphasis on understanding why the “enabling” framework as implemented in this case has not worked? The sub-questions include: What might the application of the enabling framework for housing in the Abuja

MHS suggest about the challenges of the approach? What is required to actually make “enabling” work in a context like Nigeria?

### **1.3 Methodology and Limitations**

This thesis relies on a number of primary and secondary sources; the primary sources were gathered during a short 2-week trip to Abuja. Primary sources include interviews with government staff in the Federal Capital Development Authority who, at the time of the interview or prior, played some role in the Mass Housing Scheme. Staff in a range of departments were interviewed; departments include Abuja GIS, the Department of Lands, the Department of Mass Housing, and the Development Control Department. The interviews were semi-structured and ranged in length from 30 minutes to several hours over multiple days, depending on the amount of time the interviewee was able and willing to share. I also spoke with a few developers who participate in the MHS. I was able to visit and interview three, and tour the MHS estates that they currently have under construction. Getting a sense of the products actually being built helped to ground my understanding of the program’s real outcomes. With an initial interest in exploring access to finance as part of the MHS, I interviewed staff at different primary mortgage institutions. Unfortunately, the information they were able to share was not specific to lending for the MHS, rather they more broadly touched on access to finance for developers and end-buyers. Finally, I spoke informally with property agents who provided interesting insights into the secondary markets wherein MHS land allocations are traded.

In addition to interviews, much of the information I gathered about the MHS comes from internal project documents, meeting minutes and memos, allocation records and contracts. Specifically, the internal project documents include lists of participating developers and the sizes and locations of their land allocations, staff memos documenting problems with the program, and updates on the activities of involved agencies; much of this documentation was produced in the last few years of the program’s existence, i.e. 2010 and onwards. The minutes reviewed were from a few meetings in 2006 and generally summarize the conversations of the initial committee overseeing the program’s implementation. Finally, I acquired a sample development lease agreement that is representative of the contract signed between a developer participating in the MHS and

the Federal Capital Development Authority, whose various departments oversee the program.

Written documentation on the program is scarce; most of the government staff that I contacted in order to access written materials appeared willing to share information but were limited by what little documentation actually exists and what they could actually find. It is possible that more sensitive, and as such more detailed information, was kept from me; this is an important limitation to consider. However, given that poor record-keeping was frequently mentioned by interviewees as one of the problems with government in Abuja, I am inclined to believe that the limited information I received resulted more from this phenomenon. Moreover, concrete information about the outcomes of the MHS is extremely limited. Relevant staff had no way of knowing overall how many housing units or how much infrastructure had been produced via the MHS. There is a relatively new department, known as the Department of Mass Housing, currently working to retroactively gather information and quantify some of these critically important indicators. The unavailability of data around housing informed this thesis' heavy focus on the land underlying the housing. In many incidents the available information was more broadly about housing or land in general in Nigeria, and less often focused on Abuja but not specifically around the MHS. In cases where this information is relevant it is included, unfortunately in many incidents it wasn't.

Finally, I reviewed dozens of newspaper articles, primarily accessible online, that mention the MHS or related issues; some of the articles were opinion pieces while others were more traditional pieces written by staff journalist. These articles helped to clarify some of the relevant debates occurring about the MHS in Abuja. I tried to be critical about the sources and the various claims or arguments being advanced.

A number of secondary sources, from papers, books and reports produced by academics and various institutions have been extremely useful for providing both a lens through which to investigate the Abuja MHS case and providing details about Abuja's history and Nigeria's key institutions.

#### **1.4 Structure and Organization**

The rest of this thesis is organized as follows: Chapter 2 introduces the reader to the theories surrounding the "enabling" framework through a brief review of the relevant

literature. This chapter highlights both the traditional definition of the approach and some of the relevant critiques. Chapters 3 and 4 are focused on Nigeria and set the more place-specific stage for the exploration of the MHS case. Chapter 3 briefly explores the history behind why Abuja was created and the politics around how the territory is administered. Because the MHS is fundamentally about land, Chapter 4 reviews the institutions that govern and impact land use in Abuja. Chapter 5 investigates the MHS through a critical dialogue on how the program is supposed work and how it works in reality. Finally, Chapter 6 concludes by stepping back to extract the lessons learned from the MHS in order to concretely and clearly offer a response to the questions posed by this thesis.

## **Chapter 2: Literature Review on the “Enabling” Framework for Housing**

This chapter provides an introduction to the “enabling” framework for housing. The literature on this topic is extensive as it has become a dominant approach for addressing access and availability challenges in the housing market all over the world. Rather than trying to summarize this extensive body of literature, this chapter focuses on: reviewing some of the early literature articulating the approach that came out of large international institutions, like the World Bank and the United Nations Center for Human Settlements (UNCHS), and presenting some of the critiques within which this thesis is situated.

### **2.1 Historical Context for “Enabling”**

The enabling framework for housing came out of the neoliberal push that began in the US and the UK in the 1970s. One of the characteristics of this push was the change in policies advocated by international institutions like the World Bank and the IMF. They shifted from promoting the “development project” (i.e. supporting ‘statist’ and “inward-looking” strategies launched in the late 1940s and early 1950s) to promoting the neo-liberal agenda that amongst other things stressed decreased government intervention in most sectors of the economy (Arrighi et.al,2009; Arrighi, 2002; McMichael, 2002). Publishing in 1994, Cedric Pugh argues:

Since 1986, the United Nations, the World Bank and other international aid agencies have set a new direction and scope for housing policies in developing countries. The new direction has an explicit ‘political economy,’ elaborated in strategic policy documents under the term ‘enablement...The idea of enablement has its derivation in the political economy of liberalism. Liberalism has economic elements based upon principles of market dynamism and efficiency, orthodoxy in macroeconomic management, and certain prescriptions in the politics of institutional conditions and property rights (357).

Consistent with Pugh’s analysis, “enabling” goes against past housing policies where the government was engaged in the direct provision of housing, and instead encourages the reliance on market actors for production. Under this approach, the government’s role is to be decreased and reformulated to only focus on those activities, which strengthen the abilities of the private sector. Arguably, embedded within an “enabling” framework are

the economic principles of decentralization, privatization, deregulation, and demand-driven development (Mukhija, 2001; World Bank, 1993). With its grounding in such a contentious political economy, it should not be surprising that there is extensive literature establishing, exploring, and critiquing “enabling”.

## **2.2 The Conventional Definitions of “Enabling”**

The foundational documents establishing and defining “enabling” are the ‘United Nations Global Strategy for Shelter to the Year 2000 (GSS), adopted in 1988 and the World Bank’s, ‘Housing: Enabling Markets to Work,’ published in 1993. Both documents emphasize different elements of the approach. Steve Mayo, one of the key contributors to the World Bank’s Publication, related the two documents in an article in Housing Finance International, before the publication was released. His perspective was that The World Bank’s paper moved the Global Shelter Strategy forward in two ways. The first is through the way it draws attention to linkages between overall economic conditions and policies affecting the housing market. The second is that it helps to make “enabling” more operational through its elaboration on distinct components of the framework (Mayo, 1991). Consistent with this distinction, the World Bank’s version of enabling stresses the limited role government should have in direct interventions and the types of market institutions necessary for enabling to work. The two main recommendations of the report are 1) governments must restrain from intervening in housing and land markets and allow the market to function more efficiently and 2) housing must be treated as an economic good, and not a social service (Mukhija, 2001; World Bank, 1993). One excerpt that captures the essence of the framework proposed by the World Bank is a chart focused on the Dos and Don’ts of the approach. Listing key institutional objectives, the chart delineates the actions that should and should not be pursued by governments.

Figure 3: World Bank's Do's and Don'ts for Enabling Housing Markets to Work

<i>Instrument</i>	<i>Do</i>	<i>Don't</i>
Developing Property Rights	Regularize land tenure Expand land registration Privatize public housing stock Establish property taxation	Engage in mass evictions Institute costly titling system Nationalize land Discourage land transactions
Developing Mortgage Finance	Allow Private Sector to lend Lend at positive/market rates Enforce foreclosure laws Ensure prudential regulation Introduce better loan instruments	Allow interest-rate subsidies Discriminate against rental housing investments Neglect resource mobilization Allow high default rates
Rationalizing Subsidies	Make subsidies transparent Target subsidies to the poor Subsidize people, not houses Subject subsidies to review	Build subsidized public housing Allow for hidden subsidies Let subsidies distort prices Use rent control as a subsidy
Providing Infrastructure	Coordinate land development Emphasize cost recovery Base provision on demand Improve slum infrastructure	Allow bias infrastructure investments Use environmental concerns for slum clearance
Regulating land and housing development	Reduce regulatory complexity Assess costs of regulation Remove price distortions Remove artificial shortages	Impose unaffordable standards Maintain unenforceable rules Design projects without linking regulatory/institutional reform
Organize the building society	Eliminate monopoly practices Encourage small-firm entry Reduce import controls Support building research	Allow long permit delays Institute regulations inhibiting competition Continue public monopolies
Developing a policy & institutional framework	Balance public/private sector roles Create a forum for managing the housing sector as a whole Develop enabling strategies Monitor sector performance	Engage in direct public housing Neglect local government role Retain financially unsustainable institutions

\*Pg 46-47 of Housing: Enabling Markets to Work



The approaches advocated by the UN and the World Bank differ with regards to the parties that are privileged as the key stakeholders. Jenkins et.al argue:

The enabling approach as was defined initially by UNCHS (1987) differed from that which the World Bank (1993) advocated in its policy paper ... In the UNCHS' initial formulation of enablement the emphasis was on the key role of the community and on the need to enable the community to 'help themselves,' as well as on action at the local level. The later World Bank version of enablement hardly mentioned communities, conceptualizing society rather as constituted by 'consumers' and 'producers,' and focusing on seven instruments which were mainly related to economic aspects, and which overlapped with only a couple aspects of the UNCHS approach.

With its main objective being "improving the situation of the disadvantaged and the poor", the first fundamental principle in Section 2A of the GSS reads:

"Enabling policies, whereby the full potential and resources of all governmental and non-governmental actors in the field of human settlements are utilized, must be at the heart of national and international efforts..."

In contrast to the World Bank's publication, the GSS, gives much credence to government involvement. The Strategy even provides a list of considerations for Governments that are formulating a national shelter strategy. This list implicitly communicates the GSS's definition of what an enabling approach ought to consist of. Because it is directed at governments, it is clear that its articulation of an "enabling" framework implies some reliance on the public sector. The list states that government's role is primarily in two areas; 1) setting broad objectives and 2) adopting measures that might help in achieving these objectives. Both of these roles, particularly the second, give the government significant latitude. The GSS frames enabling as a gradual process that extends beyond the construction of new housing to upgrading and maintaining existing housing and infrastructure. It encourages a broad consideration of all sectors, formal and informal, and the adoption of objectives that are consistent with overall economic, social and environmental policy. It asserts that the institutional framework within which enabling occurs is extremely important; putting significant emphasis on this, it specifies that the provision of infrastructure and the development of administrative, institutional

and legislative tasks will require the direct involvement of the public sector. Foreseeing that institutional reorganization may be desirable, the GSS encourages the creation of mechanisms that promote inter- and intra-agency coordination.

### **2.3 Critiques of “Enabling”**

Despite Mayo’s argument, mentioned earlier, that the World Bank’s framing helped to operationalize the GSS’s concept of “enabling,” the extensiveness of the Do’s and Don’ts seem rather daunting. This framing raises questions about the real possibility of any system being able to incorporate all these prescriptions. In ‘Kicking Away the Ladder’ Ha-Joon Chang pushes against the dominant view that there is only one set of best practice institutions (which usually mean Anglo-American institutions) which everyone has to adopt. He argues that improving the quality of institutions is an important task for developing countries wanting to accelerate economic growth and development but that two things are critical to this exercise—1) accepting that it is a lengthy process and 2) recognizing that ‘good institutions’ produce growth only when they are combined with unconventional policies that defy the hegemonic neo-liberal order. If we accept Pugh’s thesis that, “the idea of enablement has its derivations in the political economy of liberalism,” then it seems like there might be an inherent conflict with developing the institutions the World Bank suggests are necessary for the “enabling” approach to work and the expected outcomes of the approach. This contradiction is explored by Professor Vinit Mukhija in an analysis of enabling slum redevelopment in Mumbai. He writes:

It would be much simpler for policy-makers, if enabling consisted of decentralization, privatization, deregulation and demand-driven development.

However the conceptual validity of a simplistic approach is questionable.

Enabling is a complicated task with paradoxical policy demands on governments. In other words enabling the production of and access to decent housing is not as straightforward a process as a list of Do’s and Don’t might suggest; rather, changes required to achieve this objective might at times seem to conflict. In a similar vein to Mukhija, Cedric Pugh argues that:

Multi-objective and multi-institutional programs are enormously demanding, and they are seldom operated in idealized (prescriptive) circumstances. Gaps occur in

institutional development; new state roles and commitments are necessary...Enablement is hard won being itself multi-institutional in its requirements, not just a matter of harnessing markets (369).

Taking Pugh's analysis one step further, one can infer that with its multi-institutional requirements "enabling" can be very political; this is an important consideration that the MHS case will raise.

While both Mukhija and Pugh's acknowledgement of the paradoxical nature of enabling are accurate, the task of trying to understand the institutions and most effective approaches that characterize enabling remain. Taking a different, though still critical approach to the World Bank's articulation of the Dos and Don'ts of enabling, Jones et.al suggest that:

The World Bank list, does not provide a route map to policy makers as to how to formulate policy. The list is a useful means of gauging the direction over time, a transition from the 'don't' side of the lists toward the 'do' but it provides no indication of how these principles are to be translated into concrete policy reform.

This thesis' investigation of the Abuja Mass Housing Scheme case is situated within this attempt to understand how the enabling approach gets concretely translated on the ground.

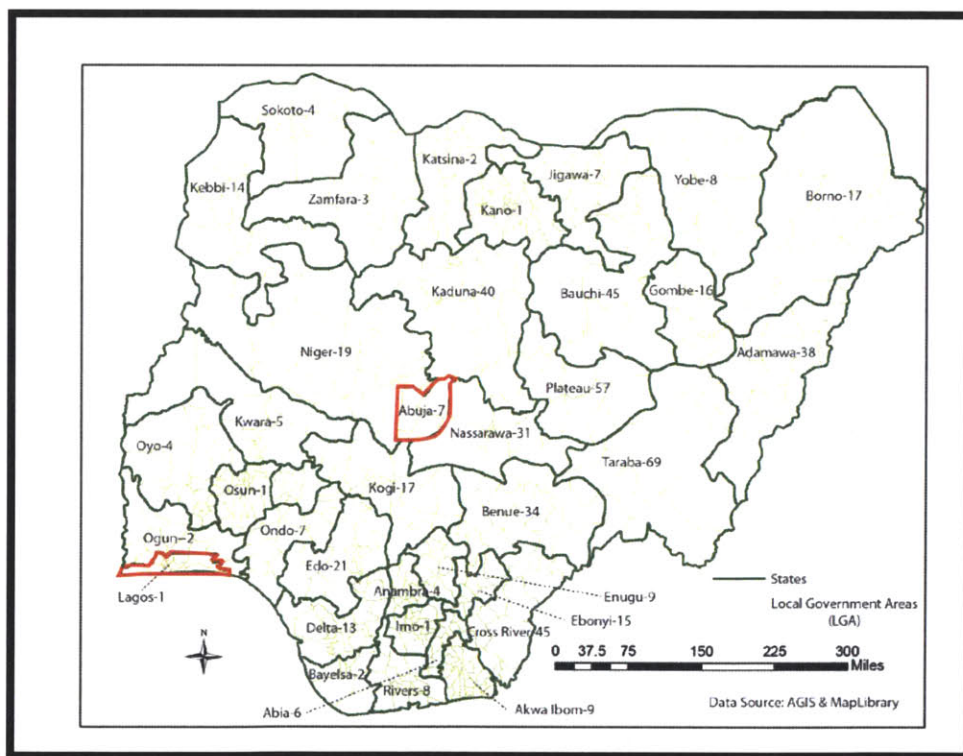
## Chapter 3: Introduction to Abuja

This chapter provides an introduction to Abuja's history and governance. After a brief introduction to Nigeria, it zeroes in on telling the story of how Abuja came to be. It explores some of the tensions that are at play in Abuja due to its status as a new territory and capital of the Federation. All of this provides useful historical context for understanding why the MHS was created in 2000 and serves as a useful base for understanding some of the program's challenges that will be discussed in Chapter 5.

### 3.1 The Creation of Abuja

The creation of the Federal Capital of Abuja has been a key dimension to Nigeria's search for national identity since the nation became independent in 1960. As Figure 4 shows, the present-day Federal Republic of Nigeria is divided into 36 states, excluding Abuja and 774 local government areas.

**Figure 4: Nigeria with Local Government Boundaries and Ethnic Groups per State**



The country has a presidential system of government with three arms, the National Assembly, the Federal Executive, and the Judiciary; each of these branches is

expected to provide checks and balances to the others (Elaigwu, 2009). Before colonialism the more than 200 ethnic groups of Nigeria existed and operated largely as “self-contained communities,” each with their specific history and culture (Onyanta, 2007; Ailoje, 1997). The British colonialists initially administered Nigeria as Northern and Southern Protectorates. In 1914 they amalgamated the Protectorates in order to save expenses for the colonial administration; each protectorate then became a province. In 1939, they divided the Southern Province into Eastern and Western Provinces. The colonial government encouraged the separate development of the regions through different administrative systems, which distinguished the pace of development (Onyanta, 2007; Ailoje, 1997). Each of the regions, North, Southeast and Southwest are closely associated with one of Nigeria’s dominant ethnic groups. Respectively these are: the Hausa-Fulani, the Igbo, and the Yoruba. With over 200 ethno-linguistic groups, there are also a large number of minority tribes. The existence of so many different ethnic groups and hence different interests forged together exclusively for the British colonial project, has meant that since independence in 1960, Nigeria has been on a continuous search for a national identity.

In 1975, the government of the Military Head of State, General Murtala Mohammed set up the Akinola Aguda Panel (Elaigwu, 2009). Their mandate was to carry out an ‘extensive examination of the dual government role in Lagos, its suitability as a national Capital, and as an alternative, a possible new Capital elsewhere in the country’ (FCDA, 1979). Lagos had served as the seat of British colonial authority from 1861 and became Nigeria’s capital city in 1914 when the Northern and Southern Protectorates were amalgamated (Elaigwu, 2009). The impetus to abandon Lagos as a Federal Capital included inadequate land space for development and its identification with only one ethnic group, as Figure 4 shows (FCDA, 1979). The Committee recommended that the Capital be moved to a place where a modern capital could be built and administrative functions could be enhanced. Moreover, they advised that it should be moved to an area that was “ethnically neutral” (FCDA, 1979). They noted that while “Lagos is identified with predominantly one ethnic group,” Abuja’s “more central location would provide equal access to Nigeria’s great diversity of cultural groups (FCDA, 1979). Social conflicts, in large part attributable to the colonial strategy of divide and conquer, had

enhanced social divisions across ethnic lines. One of the major repercussions of this was the eruption of the Nigerian Civil war from 1967-1970 wherein the Southeastern states of Nigeria tried to secede to form the Republic of Biafra. Nnamdi Elleh argues that part of moving the federal capital city to a ‘neutral territory’ was “to heal the wounds of the civil war” (Elleh, 2001; Ebo, 2006). Not a place associated with control by any of the three major tribes...Abuja was to be built “as a symbol of Nigeria’s aspirations of unity and greatness” (FCDA, 1979; Vale, 1988). In addition to promoting unity amongst different ethnic groups, related reasons for choosing Abuja as the site for the new federal capital included: its central location and its accessibility to all parts of the Federation, and the desire to promote economic development in the middle belt (Onyanta, 2007; FCDA, 1979).

The extent to which the relocation of the Federal Capital Territory to Abuja has strengthened national unity is debatable. If one imagines the only challenge to unity are ethnic cleavages caused by the existence of a dominant ethnic group then perhaps the evaluation is positive; however, I would argue that polarization based on socio-economic status is equally critical to forging national unity. This sort of polarization is very present in Abuja. Arguably, in the same way that Lagos belongs to one ethnic group, Abuja belongs to the Nigerian elite (Ebo, 2006). As such, the goals of national unity in and through Abuja remain elusive.

### **3.2 Governance in Abuja**

Discourses around the Federal Capital Territory do not end with the logic behind its relocation to Abuja and its role in promoting National unity. As a physical place that serves both as a Federal Territory and as its own administrative unit governance in the Federal Capital Territory is complicated. The 1999 Constitution stipulates that Abuja should be treated as a State. It reads: Provisions of this constitution shall apply to the Federal Capital Territory, Abuja, as if it were one of the States of the Federation” (Onyanta, 2009; Federal Republic of Nigeria, 1999). Much of Onyanta Adama’s analysis in *Governing from Above: Solid Waste Management in Nigeria’s New Capital City of Abuja*, argues that the National State, through the creation of institutions and administration, is able to usurp the functions and powers of the lowest tier of government,

thereby becoming the dominant actor in the governance of Abuja. The Federal Capital Development Agency, established in 1976 as the first state institution in Abuja, was charged with the planning, designing and development of the FCT. Shortly thereafter, in 1985, the Ministry of the Federal Capital Territory (MFCT) was created. With functions ranging from the planning and the development of the FCT, to the administration of the territory, it quickly took over the affairs of the FCDA. With the Ministry being headed by a Minister who is appointed by the President, Adama argues that this decision, to create the MFCT, can be seen as a major way through which the federal government inserted itself into the governance of the city. Moreover, she finds the implication of the policy that “all the powers and functions vested in the FCT Minister are those powers delegated by the President of the Federal Republic of Nigeria” to mean that the position of the Minister combines the powers of two tiers of government. She problematizes this with the fact that in Nigeria, since State governors derive their power from the constitution, they are expected to have a reasonable measure of autonomy from the Federal Government. Adama notes that, in an interview, even the director in the legal department of the Ministry, acknowledged that in practice, the Minister does not have the same power as State governors. While extensive debate around the status of Abuja led to the abolishment of the Ministry in December 2004, Adama contends that the changes made under the restructuring exercise are mainly that of semantics---the Ministry of the Federal Capital Territory was changed to the Federal Capital Territory Administration (Adama, 2009). The involvement of the Federal Government in the governing of Abuja is significant; autonomy of governance in the FCT is limited both politically and legislatively. For example, legislation governing land or housing issues must be passed by the National House of Assembly. A recent People’s Daily article chronicled conversations being had by the Senate around legislation regulating the activities of landlords in the FCT, in the 36 States of the Federation these legislative decisions would take place at the State level.

A 2011 article published in the Daily Trust begins: The Senate has expressed displeasure over various lingering land allocation crises in the Federal Capital Territory, FCT, promising to immediately dialogue with concerned authorities with a view to resolving the matter. It continues with a comment by The Chairman of the Senate



Committee on Lands, Housing and Urban Development, Senator Bukar Abba Ibrahim, “I can’t understand why there are such increasing issues of land title problems, especially in the FCT. Nice estates are built to such a completion level as this...yet developers of estates are being threatened with demolition. No it is completely unacceptable; it doesn’t make sense to me. We must formally call them to thrash out whatever the issues are. Also, I have observed that developers are the ones providing infrastructure by themselves, this is wrong. We must immediately sit down with them to call them to order.” (Daily Trust, 2011) What this excerpt suggests is that in addition to a lack of autonomy for the FCT, there is sometimes discord between the FCDA and the Federal government- effectively between the two levels of government. As will be explored in Chapter 4, the lack of governance autonomy and administrative discord can and does profoundly affect the outcome of programs like the Abuja Mass Housing Scheme.

### **3.3 Growth and Urban Development in Abuja’s early days**

As mentioned earlier, the Federal Capital Development Authority was established by decree in 1976 with the charge of developing a new federal capital for Nigeria. The FCDA coordinates the development, provision, and implementation of the housing programs in the Territory (Ukoha and Beamish, 1997). From 1976 to 1983 the FCDA was the only government parastatal based in Abuja; by 1986 the full relocation of the operational headquarters of ministries and parastatals commenced (Ikejiofor, 1997). In December 1991 when the capital was officially transferred from Lagos to Abuja, the presidency, seven ministries and more than 20 ministerial agencies and parastatals, with a workforce of over 100,000 officials were already on ground. By the middle of the decade the nine remaining ministries with operational headquarters in Lagos were being forced to relocate to Abuja (Ikejiofor, 1997). This significant influx of civil servants and their families led to a sudden increase in the city’s population and fueled the demand for affordable housing in Abuja. In 1991 the population was at 378,671, in 2006 it was 1,406,239, and UNFPA projections estimated that by 2011 it reached 2,291,413 (Daramola and Aina, 2004; UNFPA, 2010). As these numbers indicate Abuja’s population growth rates have been rapidly increasing. The estimated growth rate is currently at 9.3% (Elaigwu, 2010).

Shortly after the creation of the FCDA, the notion of direct government provision of housing took hold as it had in other States across the country. In 1980 the FCDA began the construction of public housing. Allocating units to the staff of different ministries in lieu of a monthly housing allowance, by 1994, 22,000 units had been completed and allocated. Two years prior, in 1992, other federal agencies, including the Federal Housing Authority and the Federal Ministry of Work and Housing had completed 1,623 housing units (Ukoha and Beamish, 1997). Despite these contributions by the Government, much of the housing in Abuja, mostly rentals, was being supplied by the private sector. Many of these rental units were provided by small-scale developers in outlying settlements of Abuja, because of the reluctance of the corporate private sector to embark on this form of housing development on a large-scale or for low-income tenants (Ikejiofor, 1997). Collectively, the limited capacity and scale of small private sector developers created a situation wherein the supply of housing was insufficient given the growing population.

Publishing in 1997, Dr. Uche Ikejiofor contended that 95% of the amount spent up until then on building Abuja was borne by the Federal Government. The initial calculation was that the private sector would bare 35% of the costs. He suggests a couple reasons for this mismatch. The first reason is that at the time, attractive returns on investment in Abuja were not yet guaranteed; his second is that bureaucratic bottlenecks in the FCDA and underlying political tensions limited the contributions of the private sector (Ikejiofor, 1997). In Ikejiofor's snowball sample survey of 20 small-scale private housing developers working in Suleja and Gwagwalada, satellite settlements of Abuja, respondents cited high cost of land and excessive bureaucratic demands as the major deterrents to their housing production activities within the capital city. Ikejiofor goes on to argue:

It is clear, therefore that to achieve an enhanced participation of this group of producers in housing supply and also for any site and services scheme to succeed within Abuja city itself, access to land as well as the development control procedures must be made simpler, less costly and less frustrating....The high cost of land is a direct result of the high standard of infrastructure/services provided, mostly in full, by the FCDA for residential areas of the city.

Other academics shared Ikejiofor's proposal. For example, in a position paper written in 1999, Professor Akin Mabogunje, one of Africa's pre-eminent urbanist, advocated for government to encourage the development of the organized private sector and make land available for developers in the city (Abdullahi, 2010). In one interview, an FCDA official notes that, comprehensive private development, wherein developers construct entire estates, "began in the 90s, when government could no longer provide houses for residents," and the Mass housing Scheme, "came about because of the inability of government to provide sufficient housing stock for the teeming population." Internal FCDA memos about the Mass Housing Scheme connect these realities more explicitly to the discourse around the enabling approach:

Observations in public circle[s] and past experience also suggests that if public monopoly of the housing and land market is eliminated and if restraint on private sector activities in the market are removed, the private sector can usually provide more housing and serviced land to the public more efficiently and affordably (FCDA, 2010).

The heavy emphasis on providing access to land underscores the reality that the land allocation process is of fundamental importance to housing production in Abuja, and Nigeria more broadly. Poor implementation of the MHS has arguably turned it into a program that is more focused on land allocations than on the production of affordable housing.

## **Chapter 4: Land Institutions in Abuja and Nigeria**

Critical to understanding the Mass Housing Scheme in Abuja, is an understanding of the institutions governing land at the national and local level; the goal of this chapter is to provide such an understanding. The institutions highlighted here are: the FCT Act of 1976, the Abuja Master Plan, the Land Use Act of 1978, and The Urban and Regional Planning Law of 1992. This chapter describes these key institutions and their impact on housing in Abuja. It concludes by laying out the conventional land allocation and development process in Abuja.

### **4.1 The FCT Act of 1976**

The FCT Act of 1976 establishes the existence of the Federal Capital Territory of Abuja, provides for the constitution of the Federal Capital Development Authority and assigns responsibility for the governing and administration of all land in the territory. Section 1(3) states that as from the commencement of the Act, the areas contained in the Capital Territory shall cease to be a portion of the State concerned and shall be governed and administered by or under the control of the Government of the Federation [of Nigeria] to the exclusion of any other person or Authority, and the ownership of the lands comprised in the FCT shall likewise rest absolutely in the Government of the Federation (Federal Government, 1976; Nuhu, 2008). The Act provides that in addition to the Federal Government, the President can delegate control of land in the FCT to a Minister of the Federal Capital Authority whom is specially designated to act on his/her behalf.

While not discussed in the Act, a Department of Land Administration, which is situated within the office of the Minister, has been the de facto institution charged with land allocation decisions. Abuja GIS, created in 2004 and also not formally acknowledged by the Act, is also intimately involved in the land allocation process. This department is charged with the computerization of land administration in the FCT; specifically AGIS's mandate is the generation, management and administration of geospatial data and land matters in the FCT (People's Daily, 2011).

The Department of Land Administration is another key institution. It was created by the now defunct Ministry of the FCT, and statutorily has the responsibility of managing the FCT's 8,000 km<sup>2</sup> of land (People's Daily, 2011). All of these institutions are critical to land use and allocation in Abuja because of the nationalization of land that occurred with the Land Use Act of 1978.

Despite vesting all ownership of land in the Territory with the Federal Government, the LUA acknowledges the need and process for providing compensation to any person who can prove a right or interest in the land comprising the FCT. The Act establishes that the basis of compensation includes both the underlying value of land and any improvements, including buildings or crops (Section 6(2)). Part of the reason for relocating the Capital to this particular area was the calculation that there were "few" inhabitants, numbering between 25,000-50,000 in the area at the time. Such calculations made the expectations around the costs of government compensation seem manageable. However, analyses as early as 1978 revealed that the number of inhabitants stood at 150,000 to 300,000 people and resettlement costs were 1.8 billion naira (Jibril, 2006). This reality led to a major shift in the policy for compensating and resettling indigenous inhabitants of Abuja. In 1978, the Nigerian head of State General Obasanjo, announced, with regards to the FCT that, "the meager funds available now should be spent more on development of infrastructure rather than on payment of compensation" (Jibril, 2006). This began an ongoing mix of policy changes around compensation and resettlement in the FCT; in summary, for the most part, the FCT Act of 1976's assurance of compensation has not been honored. As will be discussed in Chapter 5, this has real implications for the impact of a program like the MHS.

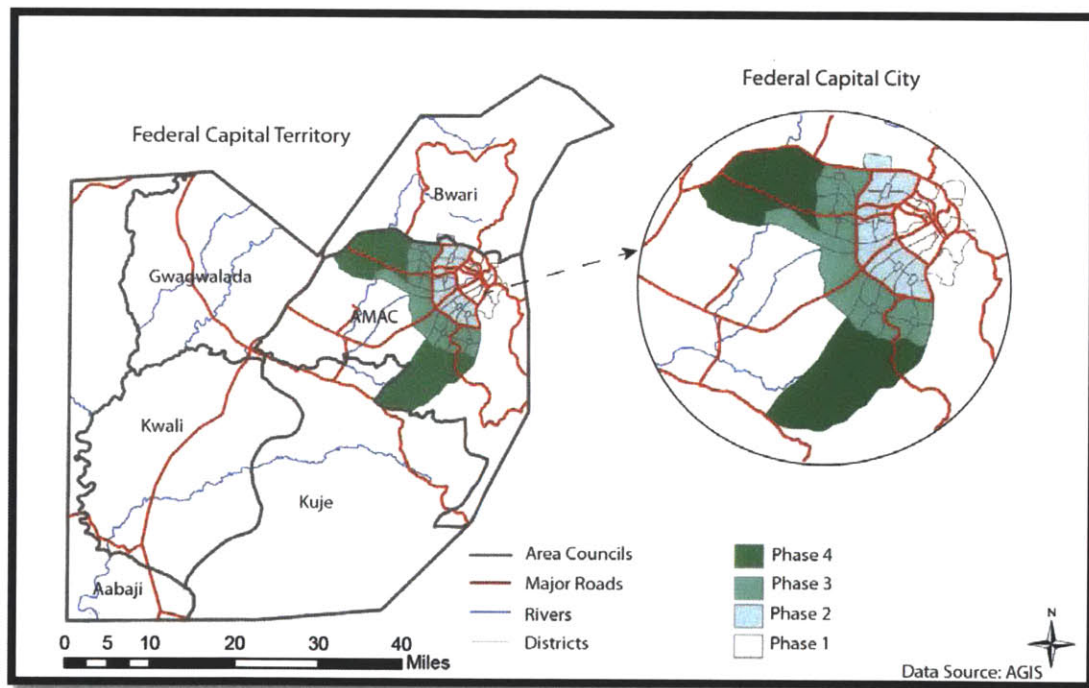
The most important impact of the Act has been its vesting of all land with the Federal Government and its creation of the FCDA. With regards to the latter, the Act mandates that no individual or entity may carry out any development within the FCT without written approval from the FCDA, effectively vesting the FCDA with power over spatial planning, development control and land use (Section 7). In addition to the aforementioned, the FCDA is assigned a number of other responsibilities (Section 4(2)). These include:

- Choosing a site for the location of the capital city within the Capital Territory

- Preparing a capital city master plan and designate land use within the rest of the Territory
- Providing municipal services within the FCT
- Establishing infrastructural services in accordance with the aforementioned master plan
- Coordinating the activities of all ministries, departments and agencies of the Government of the Federation within the FCT

It is important to note the distinction the Act makes between the Federal Capital Territory (FCT) and the Federal Capital City (FCC). As Figure 5 shows, the FCC is the central core while the rest of the FCT contains areas popularly referred to as Satellite towns.

**Figure 5: Map of Abuja- The FCT and the FCC**



#### 4.1 The Land Use Act of 1978

Arguably, the most important institution governing land in all parts, including Abuja, of the Federal Republic of Nigeria is the Land Use Act of 1978. The Act was first promulgated as a decree by the Federal Military Government headed by Olusegun Obasanjo in 1978.

Before discussing the Act's objectives, it is useful to understand its historical antecedents. In pre-colonial Nigeria, the land tenure system was governed by the customary laws of the various tribal and ethnic nationalities (SERAC, 2009). In the early 1900s, with the advent of British colonial rule, a number of laws were passed in Northern Nigeria, vesting all land in the British colonial government. In 1962, two years after Nigeria's independence, these laws were repealed and legislation vesting the ownership, management, and control of land in provincial and local authorities was passed. In Southern Nigeria there were slight variations in practices from community to community but one consistent thread is that community leaders, not government authorities, held land in trust for their communities. A common argument is that this fragmented land tenure system, particularly in the southern states, before 1978 undermined effective control of land use and the availability of land for the public in the public interest (SERAC, 2009). Individual and communal lands were the subject of a great deal of speculation leading to rapid increases in the price of land; allegedly, landowners in urban centers sold the same piece of land to several buyers, resulting in endless legal tussles over title rights. Moreover, after independence, Nigeria witnessed rapid expansion in its rate of urbanization, occasioning an increased demand for the use of land both in the cities and rural areas for physical development such as basic infrastructure. In the Third National Development there was significant support for a land policy that would ease government's acquisition of land for developmental purposes.

In 1976 the Constitution Drafting Committee, charged with developing the Constitution that would be adopted in Nigeria's Second Republic, recommended a comprehensive national land policy that would be primarily characterized by the nationalization of all undeveloped land. The Land Use Act of 1978 was therefore proposed as an effort to checkmate the excesses and land grabbing tendencies of land speculators who benefit unduly from buying and selling land at significant gains and as a mechanism for making more land available for government led development (SERAC, 2009).

The preamble to the Act begins:

Whereas it is in the public interest that the right of all Nigerians to the land of Nigeria be asserted and preserved by law; and whereas it is also in the public



interest that the rights of all Nigerians to use and enjoy land in Nigeria and the natural fruits thereof in sufficient quantity to enable them to provide for the sustenance of themselves and their families should be assured, protected and preserved (Section1).

The main intention of the Act, clearly articulated here, is to broaden who has access to land. SERAC's analysis of The Act and historical documents surrounding its promulgation reveal three other key objectives (SERAC, 2009). They are:

- Check inequities associated with the primordial conceptions of land ownership, acquisition and distribution
- Harmonize and simplify the land tenure system in the country
- Ensure government's effective control and management over land use in Nigeria

In order to achieve these objectives, the Act vests all urban land comprising the territory of each State in Nigeria in the Governor of that State, to be held in trust and administered for the use and common benefit of all Nigerians (LUA Section 1(1)). Similarly, non-urban land is vested in local governments (LUA Section 1(2)). The categorization of land as urban or non-urban is done through the publishing of a Government Gazette indicating the designation (Section 3). For urban land, the Governor issues a statutory certificate of occupancy (CofO) to convey a leasehold interest, which usually lasts for 99 years, and grants a statutory right of occupancy (SERAC, 2009; LUA Section 5(1)). For rural land, the local government is empowered to grant customary rights of occupancy to any person or corporate entity for agricultural, residential or other purposes such as grazing who can establish a right to said land (Section 6(1)). In both urban and non-urban areas, applicants are classified into two categories: those seeking new allocations of government plots and those seeking to affirm their existing interest in land that has been acquired through a private transaction.

A CofO provides the recipient with the sole right to use and occupy the land they have been allocated and retain absolute possession of all improvements of the land for the pre-delineated time frame. It also binds him/her to pay to the governor, the amount dictated in respect of any unexhausted improvements on the land and then periodically, annual or otherwise, the rent fixed by the Governor (Section 5). With the prior consent of

the Governor, the holder of a CofO may transfer, assign, or mortgage any improvements on the land (Section 15 and 21).

The Act gives the governor of each state and the local government chairman the power to revoke statutory and customary rights of occupancy, respectively, or to compulsorily acquire land for “overriding public interest” in exchange for providing adequate compensation exclusively for unexhausted improvement (Section 28).

Overriding public interest includes federal, state or local government’s need for the land for public purposes, and the requirement of the land for mining purposes, oil pipelines, or related uses (Section 28). In the 1991 Supreme Court case *Lawson vs. Ajibulu*, the court established that “overriding public interest” should have no relationship with actions that advance private gain. They firmly stated:

The acquisition must primarily be to fulfill the legitimate ends of government and not directly or indirectly for the sole and personal benefit of any individual or group of persons with certain vested interests which either by accident or design tally with the purpose government is empowered by law to compulsorily acquire other people’s land (SERAC, 2009).

The Act also states that a revocation based on a contravention of the law can occur if the occupier alienates land through a mortgage, transfer of possession, or sublease without the governor’s consent.

Each state is to have a Land Use and Allocation Committee charged with advising the governor on the control and administration of all urban land, and determining disputes as to the amount of compensation payable under the Act for any improvements on land. Each local government is to also constitute a Land Allocation Advisory Committee with similar responsibilities relating to non-urban land. In both cases the composition of both of these Committees is to be decided upon by the Governor (Section 2 and 5). Finally, the Land Use Act, through Section 315(5) of the Constitution, is enshrined as federal legislation and is thereby bounded by a rigid amendment procedure wherein a 2/3 majority of the National and States’ Houses of Assembly must approve any changes.

While it has the most significant impact on land institutions in Nigeria, academics, developers, NGOs, and politicians often argue that the Land Use Act has created serious problems for land management and administration in the country.

Professor Akin Mabogunje, currently the Chairman of the Presidential Technical Committee for Land Reform, summarizes the problems often cited as resulting from the Act (Mabogunje, 2007). A few of his critiques that are particularly relevant to land allocations in the MHS include:

- 1) Many state governments have not established the Land Use and Allocation Committees, thereby hampering the steady and continuous delivery of land for building purposes;
- 2) Some governors attempt to declare all land in their state as urban land hampers the operation of the land market;
- 3) The power of governors and local governments to revoke any right of occupancy over land “for overriding public interest” has been used arbitrarily in the past, underscoring the fragility of the rights conferred by the certificate;

In the FCT there is indeed no distinction between urban and non-urban land. Customary tenure, which proliferates in many of Nigeria’s rural areas and which allows for the preservation of historical and usually more communal patterns of ownership, is absent. One of the implications of this is that all of the land in the FCT is then centrally vested in the Minister of the FCT, and all formal requests for title must pass through him. Also, since the original inhabitants of the territory have not been compensated or resettled outside of the FCT as originally decreed when the capital was created, the designation of all land in the FCT as urban formally deprives them of any rights they might have been able to claim if customary tenure was honored.

Consistent with another critique Mabogunje lays out, are the indications that the Land Use and Allocation Committee (LUAC) has, under various administrations, not been established in the FCT. In 2008, the then Minister of the FCT, Aliyu Modibbo, announced that he was going to stop the trend of Ministers who hadn’t constituted a Committee. He claimed that he was constituting a Land Allocation Committee and was taking it to President Umaru Yar’Adua for his approval (Nigeria DailyNews, 2008). This implies that until then, the LUAC had not been constituted. A few years earlier, in a February 15<sup>th</sup>, 2006 meeting of the PPP unit, which was charged with managing the Abuja Mass Housing Scheme, the issue of a Land Use and Allocation Committee was raised. According to the minutes, a project manager from Abuja GIS stated that the then

Minister, Nasir el-Rufai, was by no means mandated or obligated to constitute a land use committee since it would only serve as an advisory body. He noted that in fact the PPP unit may perform the duties of the land use committee. In addition to advising the Governor on land allocation decision, the Land Use and Allocation Committee is responsible for advising the Governor on resettlement and compensation and is to determine disputes about compensation for improvements on land. The PPP unit, tasked with managing the MHS does not seem well positioned to handle these responsibilities, given that they are much broader than the Scheme.

Finally, the critique Mabogunje presents regarding revocations is especially important in the MHS. As will be discussed in Chapter 5, this has been one of the major challenges of the scheme, and the Land Use Act is partly responsible for this.

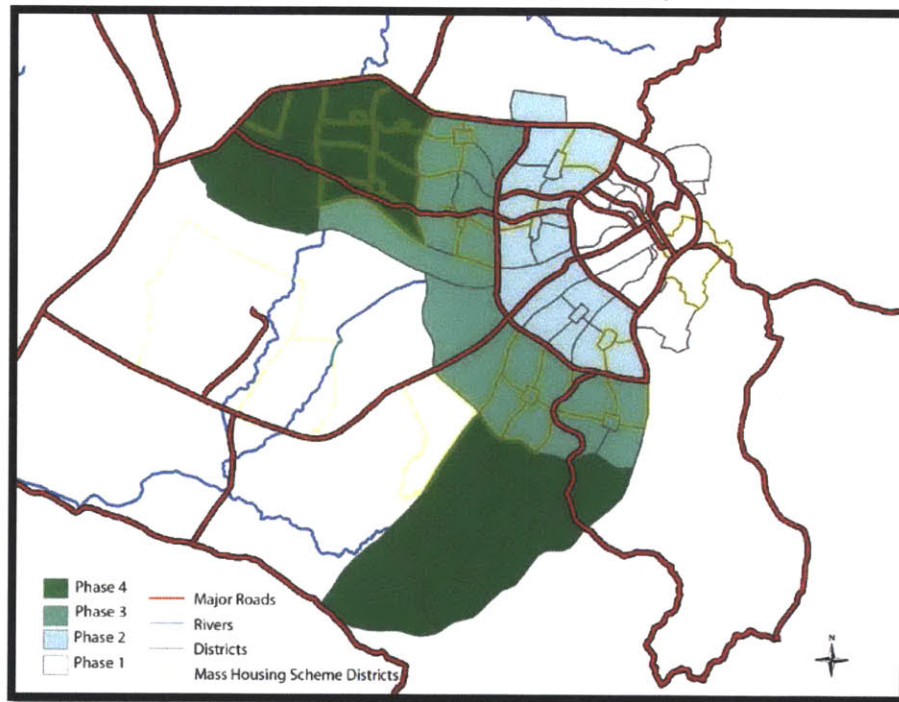
#### **4.2 The Urban and Regional Planning Law of 1992**

In addition to the institutions governing the use and allocation of land in Abuja, another important law relating to planning and development is the National Urban and Regional Planning Law of 1992. This law calls for the establishment of federal, state and local government authorities to oversee the implementation of a realistic and purposeful planning of the country. These bodies include: the National Urban and Regional Planning Commission (the Commission), urban and regional planning boards and planning tribunals for every state, and local planning authorities at the local government level. All of these bodies, except the tribunals, are responsible for the production of various plans for their respective territory. The tribunals are meant to serve as mechanisms for accountability; their tasks lie in adjudicating matters brought before them by aggrieved developers seeking redress over decisions made by development control (SERAC, 2009). The law also provides for the establishment of development control departments and sets the terms for issuing enforcement notices. Many states have yet to create the various institutions provided for in the Act. In Abuja, a development control department does exist, as do local planning authorities, but the planning tribunal has never been established; as such developers seeking any sort of redress often go through the Court system.

### 4.3 The Abuja Master Plan

As mentioned earlier the Abuja Master Plan plays a critical role in urban planning and land use in the FCT. In 1977, the FCDA commissioned International Planning Associates, an American-based firm to develop a Master Plan for the FCT. Approved by the FCDA in 1979, the 18-month process consisted of a review of relevant data, the selection of a Capital City site, the preparation of regional and city plans and an accompanying design and development standards manual (SERAC, 2009; International Planning Associates, 1979). As Figure 6 illustrates, the Federal Capital City was divided into 4 parts to encourage a phased development strategy.

**Figure 6: Four phases of the Federal Capital City and MHS Districts**



For purposes of administration, in 1998, the local population within the FCT was divided into the 6 area councils pictured in Figure four (Owei et.al. 2008). As the earlier discussion of the FCT Act suggests, the Federal Capital City, the central core of Abuja, has been the primary focus of planning throughout the territory's existence; it houses the districts, outlined in yellow, wherein Mass Housing Scheme allocations are concentrated. The Master Plan stressed seven key principles to guide development across the entire

Territory; they were: equal access, equal citizenship, environmental conservation, ‘city beautiful’, ‘functional city’, effective regional development, and rapid national economic growth (Ikoku, 2004). Arguably, in the implementation of the Master Plan and in the development of Abuja more generally, much greater emphasis has been placed on its economic and regional growth than on the former five principles. The conceptualization of Abuja as the administrative capital has allowed for the propagation of the idea, particularly amongst the elite, that the city is primarily for government officials and civil servants.

The Master Plan is a constant point of discussion for planners, academics, FCDA officials, and the various Ministers of the FCT. Much of this conversation is focused on ‘distortions’ and ‘contraventions’ of the plan. Since its approval in 1978 until the present, the Abuja Master Plan has been alternately used to sometimes justify and other times challenge land use and allocation decisions. The vast majority of urban planning initiatives in the FCT are billed as being in accordance with or contravention of the Master Plan, often times depending on the politics of the party making the argument. The Abuja Mass Housing Scheme is no different. Chapter 5 will discuss the way in which some of this language has been coopted to advance certain interests within the Scheme.

#### **4.4 Land Allocation and Development Process in Abuja**

Taken together all of the aforementioned institutions contribute to shaping the processes around receiving an allocation of land and the development process in Abuja. Writing in 1998, Uche Ikejiofor noted four factors upon which a private developer’s application for land is dependent. He writes, “the guiding principle of land administration is based firstly on equality between the States in the Federation of Nigeria and secondly on the ability of an individual from a particular state to develop the land.” This state of origin criteria is informed by the vision, discussed in Chapter 2, of Abuja as a center of unity. In a study on sanitation and governance in Abuja, Onyanta Adama writes: Mabogunje identified a number of principles, both explicit and implicit, as underpinning the development of the new capital. However, he notes that perhaps the most important principle is the notion that there would be “equal citizenship” where the expectation is that unlike in Lagos, no one can claim “any special privilege of indigeneity” (Adama,

2007). Even though sometimes it is perverted to fit a particular agenda, it is in trying to preserve this notion of equal citizenship, that equality between the States is used as a criteria for access to land for private development.

The other two factors that Ikejiofor notes a private developer's application for land is dependent on are unofficial but arguably equally important. These factors are how well connected an applicant is and/or how willing he/she is to bribing their way through the numerous stages of the process. Once a developer receives an allocation of land in Abuja they must go through the steps outlined below:

**Figure 7: Development Process in Abuja**

No.	Actions	Implementing Party	Decision Maker
1	A formal letter of application with site plans, building plans, electrical and mechanical plans, elevations & sections, fencing & finishing details, and septic tank & soak away pit details. Payment of plan processing fee.	Developer	Plan Registry of FCDA's Development Control Division
2	Site visit by Assistant Chief Town Planning Officer (ACTPO) to appropriate district for inspection of site's accessibility, size, topographical features, compatibility of adjacent of abutting land uses, and zoning specifications. ACTPO writes a site report, reviews application and recommends that application proceed to Deputy Director for approval.	Assistant Chief Town Planning Officer	Deputy Director of Development Control
3	Building foundation dug & erected	Developer	
4	Inspection of building foundation & granting of approval to continue.	Development Control	Development Control
5	Completion of building development & notification of FCDA in order to receive Certificate of Completion.	Developer	FCDA

Both receiving land allocations and development approval in Abuja can be challenging processes. In a 2007 study on land use violations in Abuja, Professor Felix Omole found that between June 2002 and June 2007, the Department of Land's records indicate that 20,306 applications for land allocations were submitted. Only 48% received an allocation. Of 132 individuals surveyed, Omole found that 82% claimed to have experienced a 5 or more year delay in receiving an allocation (Omole, 2009). A number of possible explanations exist for outcomes like these. Some include lack of official capacity to deal with the applicants, an inability on the side of applicants to meet the financial and other requirements necessary for an allocation, or applicants having a lack of connections or willingness to engage in underhand negotiations to move the process along. Omole doesn't definitively attribute the delays to any of these possibilities. What



he does reasonably suggest however is that the delays in allocation have a significant impact on why some developers encroach on land allocated for infrastructure and open space. The relationship between bottlenecks or problems in the land allocation process to contraventions of development standards is one key theme that the MHS case brings to light.

The MHS is framed as an affordable housing program yet the lack of any monitoring of housing outcomes and the significance that the land allocation process has on the implementation and impact of the scheme make any investigation of why the program hasn't worked heavily rooted in the institutions governing land in Abuja and the nation more broadly.

## **Chapter 5: The Mass Housing Scheme**

This chapter takes an in-depth look at the Mass Housing Scheme. It objectively presents the “official” perspective, promoted through documentation on the Scheme, on how the program is supposed to work in order to provide readers with necessary context. It then investigates the reality on the ground by exploring what has actually happened. This section integrates important findings from interviews, newspaper articles, and other primary sources with an analysis of why particular challenges exist. The chapter lays out one perspective on the key themes that underlie why the program has not been successful.

### **5.1 Official Overview of How the MHS is supposed to work**

The MHS is meant to produce three outputs: affordable housing, primary infrastructure, and tertiary infrastructure. These outputs are to be produced through the partnership between private developers and the Federal Capital Development Authority. This thesis’ assumption that the program has not been successful is on the grounds that these three outcomes have not been produced to any reasonable level (i.e. quantity) or standard (i.e. quality), as per the assessment of government staff, developers, and media reports.

Official guidelines on the process housing developers must engage in, in order to be considered for an allocation of land in the FCT include the following:

- 1) An assessment fee of 250,000 naira (~\$1,500-\$1,600)
- 2) Legal status as a registered corporate body in Nigeria, free from all legal impediments, and documentation proving that a firm has paid its taxes, been audited and is incorporated.
- 3) Names and credentials of all technical staff, who must all be registered with their respective professional body.
- 4) Financial statements providing insight into the financial viability of the applicant including project feasibility study reports, financial forecast and cash flow projections, and evidence of the sources of project finance.
- 5) Development proposals including a conceptual layout of the proposed development and preliminary architectural and engineering drawings.

After providing the aforementioned legal, financial, and proposal requirements to qualify for consideration, a prospective mass housing developer may be recommended for approval to participate in the Mass Housing Scheme. At that point they will then proceed with the procedures for land application through providing the following:

- 1) A land application fee that ranges based on the amount of land being requested.
- 2) Planning documents (i.e. site appraisal, topographical maps of the plot, general land use plan, density distribution plan, detailed site development plan, building coverage/block layout plan, and environmental impact analyses).
- 3) Architectural documents ( i.e. building plans, elevations and sections, structural designs of building types, services design, and block models).
- 4) Engineering documents (road, water supply, wastewater, storm water drainage, electrical distribution, and telecommunication duct networks).
- 5) Project cost estimates (i.e. cost of buildings, cost of tertiary engineering infrastructure, proposed selling prices of the housing units, completion period, and a 2.5% of project cost performance bond from a Nigerian bank).

Once a developer has been successful in their land application, they will sign a development lease agreement between their company and the Federal Capital Development Authority. In one “sample” but representative development lease, the developer and the FCDA commit to a number of responsibilities. For the developers, these include:

- 1) Jointly assessing with the FCT any development made by villagers in the allocated land and appropriately compensating the villagers (for which they were to be reimbursed by the FCDA).
- 2) Not assigning or subletting any part of the allocated land
- 3) Submitting, within 3 months of signing the development lease, building plans for approval and commencing effective mobilization to site.
- 4) Providing secondary and tertiary infrastructure to the buildings

The FCDA’s responsibilities include:

- 1) Deferring building approval fees until the developer processes title deeds for the built up properties in the estate.

- 2) Guaranteeing approval of properly documented building plans by Development Control within one month of submission.
- 3) Providing primary and arterial infrastructure to the property but in situations where they fail to do as stipulated, the developer is at liberty to provide such infrastructure to make the building habitable.
- 4) Granting a Certificate of Occupancy directly to any person designated by the developer as a purchaser upon payment of all fees and deferred charges.

It is important to note that the MHS developers are only granted access to land to develop. The title for that land remains with the FCDA. After the land has been developed and provided with secondary infrastructure, the developers are then able to sell to the general public and submit the list of subscribers to the FCDA. It is only after a subscriber pays the appropriate fees that a Certificate of Occupancy, the statutory title deed in Nigeria, is issued (Abdullahi, 2010).

## **5.2 How the Mass Housing Scheme Actually Works**

Despite the above roles and responsibilities, there is strong evidence to suggest that the Mass Housing Scheme is not working as intended. Internal project memos, newspaper articles and interviews suggest that the program has been characterized by three challenges. These are: insufficient infrastructure development, insecure property rights, and developers engaging in land grabbing.

### **5.2.1 Land Grab**

Up until late February 2012, Abuja Geographic Information System (AGIS) records show that since the initiation of the MHS, 292 companies have been given allocations. The average allocation size was 20 hectares, the smallest is 869.52 m<sup>2</sup> and the largest is 263.72 hectares (2.63 km<sup>2</sup>). The latter of these figures is incongruent with the program's guidelines that indicate that the maximum MHS allocation in the Federal Capital City is 10 hectares, and 20 hectares in the Satellite towns of the FCT. One staff person in the FCDA noted, during an interview, that despite maximum size restrictions, "anyone who comes in with a paper from a big man can get as much land as they want." Political clout, connections, and/or financial muscle do seem to be important when

analyzing which firms have received the largest allocations, yet at the same time some facts suggest that this may not be enough. Records show that the three companies with the largest allocations of land for the MHS are: CGC Nigeria Ltd., Larix Company Ltd., and Citec Integrated Building Products Ltd. While unable to interview the managers and chairmen of these particular companies a review of news articles helped to shed some light on their histories. CGC is a large Chinese company with significant financial strength and is involved in various other projects in Abuja including road construction and water supply (ThisDay, December 31, 2009). News recently broke that Larix, which also seemed well capitalized, was funded by money stolen from Afribank Plc (The Nation, February 2011). This follows The Central Bank of Nigeria's (CBN) announcement of regulatory action on Afribank and the related news that Larix recently became one of the CBN's largest debtors (CBN, 2009). The FCDA has demolished some of Citec's developments on the grounds that the company had been asked to halt their ongoing project in order to review the government's decision to revoke parts of their allocation because development was proceeding at too slow a rate (Daily Trust, February 2009). While there is some likelihood that these three companies were able to leverage, political connections or financial muscle in receiving their allocations, the Citec case suggests that this might not always ensure a level of security for developers.

In the past few years much has been written about land grabbing in African countries by international and domestic investors (Hall, 2011; Borras et.al, 2010). There are some key similarities between these analyses and the land-grabbing phenomenon we see in the MHS. Three particular analyses are especially pertinent in the MHS case. These are: 1) investors decide what will happen to displaced populations, 2) domestic elites and government are partners, intermediaries and beneficiaries of the 'deals,' and 3) the communities who have had their land taken from them usually do not benefit.

In the case of the MHS, the developers are tasked with compensating current occupants of their land allocation. A Department of Resettlement and Compensation exists within the FCDA but numerous FCDA staff and developers agreed that this department is often bypassed and the communities are negotiated with directly. As discussed earlier, the FCT Act of 1976 vested all land in the Territory with the Federal Government, and acknowledged persons with claims or interest in land making up the

territory and laid out a process through which compensation could be sought. However, as the Chapter 4 discussion laid out, these acknowledgments were not honored. As such the original inhabitants of Abuja, indigenes, most of who were not given compensation for the taking of their lands when Abuja was first created (Nuhu, 2008) have managed to stay in order to engage in economic productive activities. In negotiations with developers, their bargaining power is limited. They usually loose their land a second time and receive compensation only for economic trees and other plants, and because of the Land Use Act of 1978, not for the land itself. This often leaves these indigenes landless and unable to afford the homes produced through the MHS. In a report on the access that Abuja's poorest citizens have to housing, land and basic services in Abuja, Nwaghodoh et.al, include a reflection on the development of a MHS community called Sun City. The Chief notes:

“The pressures from the city and the threat of resettlement is immediately visible when you reach the chief's village. Right at the border of the village is a sign indicating the development of a mass-housing scheme, on the other side, the contours of Sun City are visible, a major housing project for high-income groups. Before the farmlands of the villages were located there, but these were consolidated by the FCDA when the construction of Sun City started. The inhabitants of the village have been living there for more than 600 years, but now it seems the village has no future anymore..”

The involvement of domestic elite and government as partners, intermediaries, and/or beneficiaries of the land allocation deals is also present in the MHS. In their review of the MHS, Abdullahi and Aziz write:

The trend of events show that few [developers] joined with genuine intentions to contribute to the solution of housing problems of Abuja and many are taking the position [for the] land grabbing opportunity and after the allocation, with the administrative connivance subdividing the plots allocated and selling to interested developers and making unproductive profit...Developers selling the lands and enjoying unprecedented gains is becoming a popular business in Abuja...[They] are popularly called “land grabbing merchants” or “brief case companies” firms

owned by politicians, proxy civil servants and dubious business men (Abdullahi et.al, 2010).

Additionally, a few interviewees suggested that there exists an underground market for the selling of MHS land allocation papers and that this is another avenue through which politicians benefit illegally from the land deals. Interviewees went as far as to propose that highly placed officials of some of the FCDA's departments, the Minister himself, or the Special Assistant to the Minister for Mass Housing, work through proxies to illegally sell allocation letters for exorbitantly high prices, in the hundreds of million naira, that far exceed the amounts proposed in the program guidelines. In support of this proposal, some of these interviewees shared copies of official allocation letters that demarcate the district, plot numbers and size of the land to be allocated.

Finally, another important dimension of the land grab happening in Abuja is the issue of who loses out; In the MHS the poor do. The houses being produced by the MHS are unaffordable to most of Abuja's masses. Like the units in the Peace Court Estates (pictured in Figure 8) that were produced through the MHS, many of the structures sold by developers participating in the MHS are fairly extravagant.

**Figure 8: Peace Court Mass Housing Estate in Abuja**



The various MHS developers interviewed quoted sale prices ranging by unit type and location from 12 to 35 million naira (\$80,000 - \$234,000). In the situation where a

subscriber provides his/her own labor and the developer provides land, infrastructure, and building supervision, prices were quoted as low as 4 million naira (~\$27,000). Note that this 4 million naira does not include building materials or construction labor. These prices are generally not affordable to your average Abuja resident.

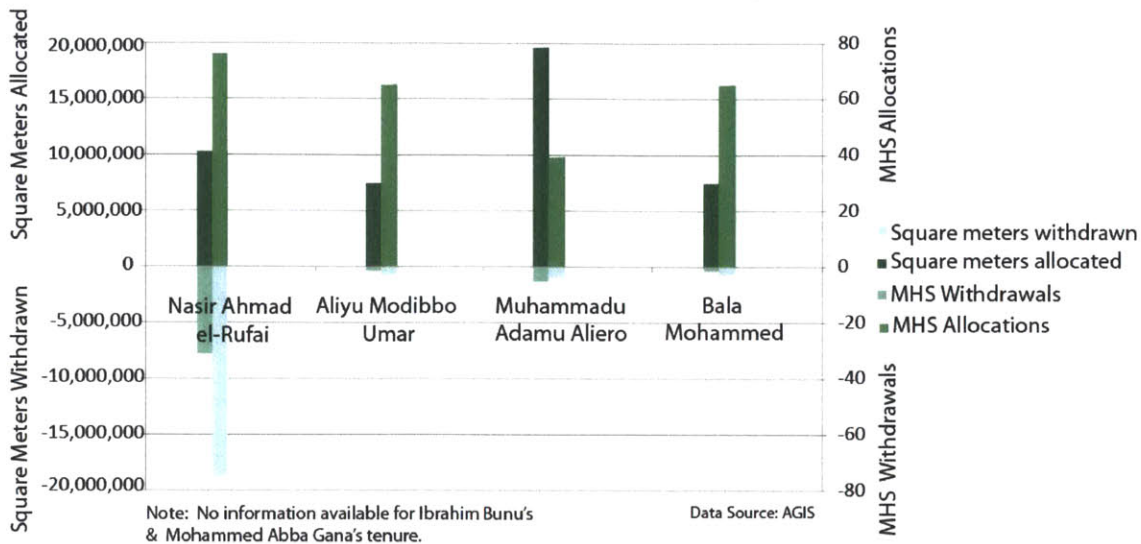
### **5.2.2 Insecure Property Rights**

In the World Bank's Enabling Markets to Work report they offer a normative view on the dimensions of a well-functioning housing sector. Looking at how the sector performs from the perspective of housing producers, the desired outcomes include: the adequate supply of residential land at reasonable prices, infrastructure networks for residential development, building materials and equipment and sufficient skilled labor. Regulations concerning land development, land use, building, land tenure, taxation, or special programs are also supposed to be well-defined and predictable, and government application of these is to be efficient, timely, and uniform. Chapter 4's section on the land allocation process in Abuja showed, that for the most part, regulations concerning land development, use, and tenure are well defined; this section's analyses of the MHS shows that they are not predictable. Rather, a historical review of the program shows that this unpredictability leads to insecure property rights.

Until a few years ago, implementation of the Mass Housing Scheme was managed by an ad hoc committee often referred to as the PPP-unit (Abdullahi, et.al, 2010). The scheme really came to the limelight in 2005 under Minister Mallam Nasir Ahmad El-Rufai, who served as Minister from 2003 to 2007 (Interview, 2012). Development Control employees note that prior to El Rufai there were a few allocations of 50+ hectares made by Minister Mohammed Abba Gana. El-Rufai ramped up the program in tandem with his newly introduced Accelerated Development Program, designed to fast track development and completion of buildings in phase 1 and parts of phase 2 of the FCT (Amsterdam, 2009), and reduced the sizes of many of the allocations made earlier. As Figure 9 below indicates, during El-Rufai's tenure as Minister of the FCT, 76 companies were given allocations, and another 73 companies had their allocations withdrawn.



**Figure 9: MHS allocation records for ministers serving under duration of MHS**



Minister El-Rufai's legacy in the FCT is contested, as is that of many other Ministers, but there is an overwhelming sentiment, particularly amongst civil servants that he was a better leader than other FCT Ministers. One planner from the FCDA Lands Department, notes that, "Most of the people [i.e. companies] who applied [for the MHS] during El Rufai's time were actually legitimate." Deputy Director of Development Control presses, "We embarked on a massive cleaning exercise between 2003-2007 when we had a minister willing to do the right thing."

It is interesting to note that even though he had the longest tenure as Minister of the FCT since 1999, and made the largest number of allocations, in terms of total square meters, El-Rufai allocated a little more than  $\frac{1}{2}$  of the land allocated by Muhammadu Adamu Aliero who followed him as Minister in 2008. One of the issues variations as wide as this raise, is that of ministerial discretion in the land allocation process. This is due to a few facts. With all land in the FCT vested in the Minister, in trust for the Nigerian people, and given that all allocation decisions must be approved by him, ministerial discretion seems to play an important role in the allocation of MHS land and the broader implementation of the Scheme. FCT Ministers have broad judgment in making decisions about allocations and withdrawals as well as in halting the program. For example, After El-Rufai's tenure, Aliyu Modibbo Umar served as the FCT's Minister for little over a year. In June 2008, he placed a suspension order on the scheme,

purportedly to correct various observed anomalies including the practice some private developers had, wherein, they were sub-dividing the land allocated to them (FCDA, 2010). The embargo was supposed to put a stop to all construction works and approvals related to mass housing allocations while the newly established, Department of Mass Housing was supposed to regulate and coordinate the program through an initial focus on evaluating the projects that were presently on the ground and the way forward (Interview, 2012). This particular embargo and other anecdotal evidence suggest that suspension orders are often politically motivated. According to AGIS records, two months after this suspension order, in August 2008, t all of the MHS allocations, made under Umar's tenure as Minister were issued. It seems unusual to issue allocations for the Scheme when all work is supposed to have been stopped.

Another reality of the issuance of suspension orders or embargos on the MHS, is that developers sometimes ignore them for the fear that their allocations will be revoked for inactivity. A 2010 internal situation report on the MHS, noted that, notices were continuously served to non-compliant MHS developers to no avail. Developers continued to roll out to their sites en-masse fearing that a temporary embargo is a ploy by the FCDA to revoke allocated land on the grounds that 'presence has not been established by the developer' (FCDA, May 2010). The case of Citec, briefly discussed earlier in this chapter, is one example of a firm that when given stop orders for moving too slow refused to comply because of the risks inherent in such a move. One developer noted, "When you build you stand the risk of losing what you are building, when you don't, you stand the risk of losing your land."

In his seminal piece, *Toward a Theory of Property Rights*, Harold Demsetz argues that 'Property rights are an instrument of society and derive their significance from the fact that they help a man form those expectations which he can reasonably hold in his dealings with others. These expectations find expressions in the laws, customs, and mores of a society.' It does not seem that developers engaged in the MHS can safely or soundly form expectations regarding their MHS allocations. Given the earlier discussion on land grabbing, an interesting question then is: why do developers continue to clamor to participate in the MHS?

In *Property Rights and Investment Incentives: Theory and Evidence from Ghana*, Timothy Besley draws on the work of various theorists in highlighting three oft articulated political economy arguments supporting a positive link between land rights and investment decisions. Three theories have been popular at various times. The first stresses freedom from expropriation, the notion is that individuals do not invest if the fruits of their investments are seized by others. The second is that investment and property rights are linked through the credit market; so better rights make it easier to use land as collateral thereby diminishing constraints on funding investments. Finally, the third suggests that enhanced possibilities for gains from trade are another key link between land rights and investment decisions (Besley, 1995). In the case of the Abuja MHS these arguments about the link between strong rights and access to funding, freedom from expropriation and enhanced possibilities for gains from trade seem to hold true to some extent; yet despite not having strong property rights developers are still clamoring to participate in the MHS. John Bruce argues that landholders with temporary or fragile titles can produce greater security of tenure, thereby claiming land, through building permanent holdings there (Bruce, 1988). While secure title is not the key issue in the MHS, Bruce's argument seems to help describe what some MHS developers are doing. They seem to be betting on their chances of building and maybe having a few structures knocked down as opposed to having their entire land allocations revoked. It is not always a successful strategy but it is in indeed one 'coping mechanism.' Another key strategy for navigating seems to be rent-providing relationships with FCDA officials.

In an internal memo, the District Officer for Mass Housing writes, "Surprisingly, many developers have continued to develop their respective sites without Development Control approval and necessary fees paid to Government...the Government ban on Mass Housing is treated with impunity which often make[s] government look like a toothless bull dog." As Figure 9 illustrates, the possibility of revocation is very real. In addition to the Minister's exercise of the power to revoke an allocation, insecurity of a developer's property rights are often affected by site demolitions implemented by the FCDA's Development Control department when developers allegedly violate the terms of the lease. According to interviews with development control officials and review of project memos, the violations most made by developers include: developing without

development control's approval, subletting of land and selling to the public to build houses instead of them building, building on or selling green areas adjacent to allocated sites, neglecting the provision of secondary infrastructure and community facilities and services, poor quality of works and building materials. As a result of these and other violations, development control has carried out more than 90 demolitions on MHS sites (Interview, 2012). It is unclear the extent to which all of these demolitions are justified.

During an interview, one developer explained that sometimes the contraventions claimed by Development Control are really just staff capitalizing on an opportunity for rent-seeking and demolitions can result from a developer's refusal to provide the level of rent sought by officers. One Development Control employee corroborated this possibility in acknowledging that FCDA staff have a responsibility to play in developers' non-compliance, stating: "We here aid them in violating the system, especially those people who go to the field, they make a lot of money." In his study of development control in Abuja, Ikejiofor notes that for his interviewees, small-scale developers in Abuja, "It is a common experience for the files of 'uncooperative' applicants [for land] to get lost in transit." When this occurs, the applicant has no real way to seek redress; an allocation is likely precluded, without a significant under-the-table financial gesture, is negated.

One thing is clear, the environment for developers is a very unstable one; contrary to the normative vision advanced by the World Bank, the government's application of regulations concerning land use, development and tenure are neither predictable nor uniform. In an interview one developer noted that the biggest challenge with the MHS is getting development approval from government, so most sites are working without approval. He noted "sometimes you start building simply on friendship. Maybe you know the Minister and you call him and he calls [someone at development control]." A developer's property rights then become extremely dependent on their relationship to the Minister of the FCT and to a lesser extent FCDA staff. The latter are subservient to the former. Allegations are made that most of the selections and the subsequent allocations of land are made without due process, but rather based on personal relationships (Abdullahi et.al, 2010). One FCDA employee noted that many developers "don't have the capacity to develop but they have someone who is highly placed and can help them front to get a piece of land." Because final allocation decisions, are made by the Minister's office,

where the Department of Lands is situated, Abdullahi argues that “the property market and development at all times await the announcement of revocations of land in Abuja as soon as there is a change of ministerial appointment.” A May 29, 2010 article published in Nigeria Daily News, entitled ‘Reports indict past Abuja ministers on land allocation,’ highlights this issue under the tenure of the current Minister of the FCT, Bala Mohammed. The article reads: “Previous administrations were involved in “allocations in mass housing sites without regards to the Federal Executive Council (FEC) approval, glaring lopsidedness in land allocation, resulting in a situation where allocations to applicants were based on selfish and personal interest,” Mr. Mohammed said. It continues: Consequently... “All forms of transactions, payments and transfers in respect of plots allocated from January 2007 to date, including Development Control approvals, are hereby suspended until further notice.”

Ministers often invoke the ‘protection’ of the Abuja Master Plan as their logic behind revocations. A 2012, opinion piece in the DailyTrust captures this pattern well:

Without exception, all new ministers of Abuja in their first public outing vow to protect the master plan due to the undesirable consequences of its distortion - the euphoria for the correction of whatever they viewed from outside prior to their appointment and the desire to portray to the public a difference from the previous administrations .... Despite this, revelations concerning the implementation of the master plan in the mass-housing program is damning; and continue deteriorating till date. We can categorically state that the manner of allocation in the mass housing policy is highly susceptible to forgery and the allocations done in complete violation of the land use and zoning requirements (Daily Trust, 2012).

This excerpts juxtapositioning of the ‘vow to protect the master plan’ and the ‘forgery and allocations done in complete violation of the land use and zoning requirements’ suggests that the power accorded to the Ministers to ‘protect the Master Plan’ has in some ways been co-opted and that, rather, the Master Plan has become a tool for advancing particular interests.

Developing strategies for securing the property rights of MHS developers takes more than the already significantly debunked idea of property title registration. Woodruff argues that land titling by itself is not likely to have much effect; it must be followed by a

series of politically challenging steps (Woodruff, 2001). These vary from context to context, for the case of the MHS, arguably, one such step might be limiting ministerial discretion. The Minister of the FCT seemingly has too great a role in the allocation of land in the FCT. This is partly a consequence of the Land Use Act of 1978 that vests the trusteeship for the land of each state in the respective governor, and in the case of the Abuja, the Minister. But it also has to do with the politics of who the FCT Ministers usually are, their political connections, and party politics.

In order to explore the argument that too much ministerial discretion in the allocation and revocation process contributes to the insecurity of property rights for MHS developers it is important to dig into the politics that underlie the position of the FCT Minister. From Nigeria's independence in 1960, the country's government has fluctuated between civilian and military rule. Since 1999, a democratic civilian government has governed the country. There are a number of political parties in the country but only three, the All Nigeria's People's Party (ANPP), the Action Congress of Nigeria (ACN) and the People's Democratic Party (PDP), have any significant power. On the basis of its geographical spread and presence, in almost all of the 6 geopolitical zones of Nigeria since its inception in 1999, the PDP is the largest party in the country, and is sometimes referred to as the 'national party' (Agbaje et.al, 2007). The PDP currently controls 23 of 36 gubernatorial seats, has won every presidential and vice-presidential election since 1999, and holds 222 of the 469 seats in the House of Assembly. In a 2012 bid to become Chairman of the PDP, former FCT Minister Ibrahim Bunu expressed popular sentiment about his party: "PDP is a platform for acquiring power and it has reached a level of maturity that can only be consolidated. It is a national party since inception and has to remain so". As the ruling political party in Nigeria since democratization in 1999 the PDP has become entrenched as the hegemonic party. It is common for members of the ANPP and CAN, which have notable followings in the extreme North of the Country and the Southwest respectively, to change parties and join the PDP when national-level office is sought. The Minister of the FCT, a cabinet-level position appointed by the President, is one such position. The cabinet of Nigeria is the executive branch of government and oversees 19 federal ministries and parastatals. With 36 states and the constitutional

requirement that the Federal Executive Cabinet (FEC) have members from each state, the 19 ministries are often headed by a Minister and a Minister of State.

All of the FCT Ministers since 1999 have been part of the PDP during their tenure as Minister. This is significant as at least 2 of the 6 ministers since 1999 belonged to different parties prior to joining the PDP and their appointment to the FCT Ministerial positions. As such it is important to discuss briefly the politics of the PDP and their elite power politics that some argue has failed to deliver on the promise occasioned by democratization (Agbaje et.al, 2007). The party's history is rather long given its antecedents but an appropriate place to start is with the successful election of Obasanjo Olesugun as the party's presidential candidate in 1999. Agbaje explains:

The choice of Obasanjo was informed by the resolve of the national political elite to concede the presidency to the southwest, while still retaining a military connection. This was expected to assuage the feelings of political marginalization among the Yoruba people... over the annulment of the 12 June 1993 presidential poll won by their candidate, Abiola, However each of the consenting political forces had their peculiar and often selfish reasons for supporting Obasanjo's candidacy.

Agbaje goes on to argue that Obasanjo's presidency:

Saw the concentration of power in a president who exploited the contest between the political groups to establish his dominance of the party and the polity. He used the power to manipulate key appointments and put down his opponents, even powerful former backers...

He continues that under Obasanjo, and I would add, and beyond:

The political machinations at the national level were replicated at the state level where the party became an extension of the government as the central government bore virtually all the expenses of the party and directed its affairs.

With the pervasiveness of the PDP and the conflation of government and PDP, the party came to wield an incredible amount of influence in governance. Some argue that in principle, existing legislation and the Constitution have created mechanisms for checking abuses of power and the engagement of party politics but the ruling party defies, or manipulates these mechanisms to their advantage (Tar et.al, 2010). Office holding in

Nigeria has come to mean the opportunity for phenomenal illicit gain (Akinyoade, 2008). Government appointments are often seen as political compensation. For example, in a Business Day article, from May 2011, the following was published about Mohammed Bala:

Mohammed, Minister of the FCT has come to be known as the mover of the popular ‘doctrine of necessity’ in the Senate that saw the ceding of power to President Jonathan, as acting president, during the political impasse occasioned by the state of health of late President Yar’Adua. The former All Nigeria Peoples Party (ANPP) senator, following the bold move, was rewarded with the FCT Ministry.

The political compensation and opportunity for rent-seeking that is embodied in Ministerial appointments directly influences not just who gets appointed but also leads to frequent cabinet changes so as to distribute the opportunity for private gain amongst the president’s supporters. As Figure 10 shows, the tenure that Ministers of the FCT have served since 1999, on average are incredibly short.

**Figure 10: Abuja Ministers serving under duration of Mass Housing Scheme**

Name	Beginning Date	End Date	Tenure	Appointed By (President)	Party affiliation during tenure as FCT Minister
Ibrahim Bunu	1999	2001	2 yrs	Olesugun Obasanjo	PDP
Mohammed Abba Gana	2001	2003	2 yrs	Olesugun Obasanjo	PDP
Nasir Ahmad el-Rufai	July 2003	July 2007	4 yrs	Olesugun Obasanjo	PDP
Aliyu Modibbo Umar	July 2007	Oct. 2008	1 yr	Umar Yar'Adua	PDP
Muhammadu Adamu Aliero	Dec. 2008	April 2010	2 yrs	Umar Yar'Adua	PDP
Bala Mohammed	April 2010	Present	2+ yrs	Goodluck Jonathan	PDP

Within one term, a President may have two major cabinet reshuffles, effectively constituting three cabinets during a 4-yr term. When cabinet changes are impending FCT Ministers and their counterparts in other Ministries clamor to hold on to their positions. In a recent occurrence, current Minister Bala Mohammed changed the name of a new district, known as the Maitama Extension to the Goodluck Jonathan District, in honor of the sitting President by whom he was appointed. An article notes representatives of



community based organizations in Abuja describing the gesture as no more than Mohammed's attempt to win the President's heart with praises so that he can maintain his ministerial seat in the impending cabinet shuffle (The Punch, 2012). Paul Jenkins looks at the way in which present norms around the politicization of land parallel land control strategies during the colonial period. He argues:

Colonial forms of land control were not purely market-based, but also relied to a great extent on forms of state allocation, albeit with subordinated market functions. In this, different forms of land markets were permitted to operate to a greater or lesser degree, but essentially reflecting the need for the colonial rulers to maintain hegemony through negotiated settlements with their main constituents (88).

So many years past colonial rule, this pattern seems to have endured.

In addition to the present and past political norms, the minister having too much discretion over land is also rooted in the Land Use Act that vests the administration and management of all land in Abuja with the Minister. In critiquing the various shortcomings of the Act, Professor Akin Mabogunje argues that the most fundamental threat posed by the Act is that it effectively leaves national land management to the whims and caprices of individual Governors (Mabogunje, 2007). When considered in conjunction with my earlier analysis, I'd argue that the whims and caprices of the Minister of the FCT in land management might be more problematic because of the entrenched political environment within which their land allocation decisions are occurring.

### **5.2.3 Inadequate Infrastructure**

In addition to insecure property rights for the MHS developers, another important challenge of the MHS, as noted by both developers and government staff, is that the FCDA has not honored their commitment to provide primary and arterial infrastructure. Brief analysis suggests that the reasons behind this are likely limited financial resources and lack of commitment to this as a priority. In their study of the MHS, Abdullahi and

Aziz note that many MHS plots are in districts that for more than ten years have not been provided with infrastructure (Abdullahi and Aziz, 2010).

In a set of meeting minutes of the PPP Committee dating from February 27<sup>th</sup>, 2006, long after the MHS had been established, the issue of who should provide primary infrastructure was still being discussed. The eventual resolution was that the developers would not be able to provide primary infrastructure but there was also no affirmation of the FCDA's commitment to do so. In a meeting that occurred about two weeks earlier one developer requested the completion of a major arterial road, and was rebuffed with the suggestion that they should complete the road. Finally one interviewed developer noted that the primary infrastructure connecting his site, allocated since 2005, was only about 20% complete (Interview, 2012). These examples and the language in both the Gazetted guidelines for the MHS and a sample development lease suggest that the FCDA was never fully committed or confident in its own ability to finance the provision of primary infrastructure. The Guidelines read: the FCDA shall, *subject to availability of funds*, provide primary infrastructure to the Mass Housing Sites (Gazette Vol. 96 No.84, 2009). The development lease notes, "It shall be the responsibility of the Lessor [FCDA] to provide primary and arterial infrastructure to the property whereas the Lessee shall provide secondary and tertiary infrastructure to the buildings." Immediately following this assignment of responsibility is an out for the FCDA: "Where after the completion of the development the Lessor fails to provide the primary infrastructure as stipulated, the lessee shall be at liberty to provide such infrastructures as are necessary to making the building habitable, at no additional cost to the lessor." Such wishy-washy language considered in conjunction with the current reality that the FCDA has not provided the primary infrastructure for many MHS districts and developments draws into question the commitment of the FCDA to infrastructure provision for the MHS in the first place. Perhaps more important than assessing whether the FCDA is actually committed to providing primary infrastructure for the MHS, is briefly analyzing the reasons that making infrastructure provision is so difficult in Abuja.

Writing in 1986, Agba argued that the FCDA's financial position is explained

partly by the near-total dependence on weak federal government revenue sources (Agba, 1986). As a relatively new and rapidly expanding city, the necessary infrastructure investments for Abuja are large. Yet, the territory has very limited powers in revenue generation and as such is heavily reliant on transfers from the federal government. The FCT Act of 1976 established that the FCT does not have the power to borrow money or dispose of any property. Coupled with its limited ability to collect internally generated revenue, the FCT's access to capital is fairly restricted and is hemmed in by the Federal Government. In National Assembly appropriation debates about Abuja, the question has been raised about why Abuja, arguably the best-positioned city in the country, is not levying taxes on the "big men" (i.e. the politicians who call Abuja home). The reasons for this are unclear but the political ramifications of such an action would be fairly intense.

## Chapter 6: Conclusion

The primary questions this thesis aimed to answer were: Why did the enabling framework not work in the Abuja MHS? What can the application of the enabling framework for housing in the Abuja MHS teach us about the challenges of the approach? What is required to actually make enabling work in the Nigerian context? I'd argue that the most important lesson the MHS teaches us is that politics is critical. The "enabling" literature seems to have overemphasized market functions to the exclusion of politics, governance and accountability. The issue in the MHS case isn't that the market institutions aren't there. They in fact are present. Rather, confidence in these institutions is tentative because of the political realities on ground and the problems with governance and accountability. If one does not consider the politics, then the goals of any particular "enabling approach" (i.e. like the goals articulated for the MHS) cannot be achieved.

In writing about the World Bank's move from project focused housing framework to the enabling approach, Robert-Jan Baken and Ian Van Der Linden argue:

The most important contextual factor ignored by the World Bank investigations and recommendations is politics. Many land and housing scholars would agree with the proposition that speculation and concentration of land in the hands of a small minority have led to a situation in which 'the benefits of urban land development processes are often a major element in the inequitable distribution of national incomes' (8).

He goes on to elaborate that the implementation of policies in the field of land and housing in places like Nigeria, involve a political calculus that integrates machine politics, political mediation and clientelism; the impact of the dominant dialogue on 'enabling' is grossly overestimated when these realities are neglected (Baken, et.al, 1993).

Jones and Datta's assessment of housing policy in the 'New' South Africa using the World Bank's list of Do's and Don'ts for the enabling framework also note the importance of politics in enabling markets to work. Their analysis is helpful as it assists us in more concretely teasing out the particular ways in which politics matter in the enabling approach. They write:

Despite implying a transition, the list is essentially static. Policy makers have to work out what form of governance is implied by an enabling strategy, how to construct a system of government to administer decentralized mandates, and obtain a political consensus as to the desirability of the reform. Moreover, as no government is able to start from a blank page, there is likely to be considerable path dependency so that an acceptance of the list's normative principles is likely to be mixed with an understanding of previous conditions.

This argument certainly holds true in the case of the Abuja Mass Housing Scheme. The form of governance in Abuja still seems to need some working out. Checks to ministerial discretion are critical. While it is beyond the scope of this paper to propose fully developed ideas around how to check ministerial discretion some ideas from Susan Rose-Ackman seem useful. In "Corruption and Government", Rose-Ackman discusses the incentives and reforms for democracy and corruption. She argues:

Democracy can help limit corruption if it gives people alternative avenues of complaint and gives incumbents an incentive to be honest. However...it is not a panacea...Democracies based on strong legal foundations provide a stable framework for economic activity. For this framework to operate efficiently, however, politicians must seek reelection and must feel insecure about their prospects, but not too insecure. This leads to a "paradox of stability." (Rose-Ackman, 1999)

The paradox of stability is an interesting lens through which we can try to understand Ministerial discretion. While the Ministers of the FCT are not democratically elected they do experience this paradox of stability as their status as Ministers of the FCT are subject to the whims of the President; yet as we see in the MHS case this doesn't necessarily lead to stability. After reviewing various models for democracy and the avenues they create for corruption, Rose Ackman concludes that, "elections are not sufficient...other means of public oversight are necessary to keep government accountable." One of the avenues for controlling corruption that Rose-Ackman does explore is limiting political power through governmental structures and opening up the space for people to complain about government. She argues that if "the government supplies information about its actions, the media and the public can voice complaints and private organizations and individuals

can push for public accountability.” The space for interested parties to be able to hold officials accountable for land allocation decisions needs to be expanded. Citizens should be able to access information about which firms have received allocations and for how much land. One important mechanism, already sanctioned by the Land Use Act, is the Land Use Allocation Committee (LUAC). A January 2012, article in *Leadership*, suggests that an LUAC has been recently established (Leadership, 2012). If constituted properly this committee could help to democratize the land allocation process. Claire Benit-Gbaffou warns however that while state accountability is critical, it is equally as important to differentiate between two of its dimensions that are particularly important in the African city context. The first dimension consists of its reactivity and responsiveness to specific contexts while the second is about local policies and a practices’ transparency or questionability by any citizen (in particular none beneficiaries of a specific policy). Benit-Gbaffou argues that these two distinct dimensions partly help to explain why participation, decentralization and clientelism---which could potentially all occur as a consequence of an action such as constituting the LUAC--can simultaneously enhance one type of accountability (i.e. responsiveness and reactivity for the politically resourced and connected) while undermining another (i.e. transparency and questionability). In order not to undermine transparency and questionability, the concern, Benit-Gbaffou suggests and I agree, should be a democratic and political one.

Another relevant point of Jones and Datta’s assessment of housing policy using the Do’s and Don’ts of the World Bank list is their recognition of path dependency. When Uche Ikejiofor studied access to land in the early 1990s one of his key findings was that the allocation process is made navigable through connections with the appropriate officials and/or a willingness to pay a bribe. Almost two decades later, and a transition from the provider to enabling approach to housing, this is still true. In other words, patronage and clientelism were key forces before the transition to the enabling approach and they continue to remain so after the transition. The layering of a system that makes it easier for developers to get access to land on top of a system where patronage abounds just exacerbates patronage. Again, this reaffirms the idea that to successfully enable the housing market to work there must be a real consideration of politics and governance. The MHS case suggests that accepting the normative principles of the

enabling approach without a consideration of the political realities on ground does little to achieve the housing market objectives that occasioned the adoption of the enabling framework.

Finally, the third relevant point from Jones and Datta's assessment for our understanding of the MHS is the importance of political consensus. A couple specific examples may help to illustrate the ways in which political consensus was lacking in the MHS. First, the cyclical process of the revocation of MHS allocations sometimes legally justifiably and oftentimes not, in accordance with the cyclical changes in Ministers, raises some concern that there wasn't sufficient consensus on the implementation of the MHS. Secondly, one key objective of the MHS was to produce affordable housing. The homes that have been produced are generally regarded as not being affordable to low or moderate-income households. No notion of what affordability ought to look like has been concretely established for the MHS. The proposed sale prices of the MHS housing units are supposed to be included in the developers' application for land allocation. It is unclear whether an application would be rejected based on projections that are too high. Nonetheless, there doesn't seem to be any real emphasis on the FCDA's side to restrict the sale prices of the units. Minutes of a PPP unit meeting held in March 2006 indicate that there was a point when developers thought sale prices were not to exceed 5 million naira, the generally accepted maximum price for affordable housing for homeownership in Nigeria. The minutes do not indicate that any resolution was arrived upon but the current market prices clearly exceed this threshold. When asked about attempts to limit the prices of, or eligibility for, the MHS units, one of the Deputy Directors for Development Control suggested that "the facilities and types of structures determine the class of people that will purchase there. People will go to something that is commensurate to their status." The lack of specific agreed upon definitions of what constitutes 'affordable' is extremely political and actors who benefit from the ambiguity are vested in keeping it undefined. In the World Bank's Dos and Don'ts of enabling, political consensus is not suggested as being important. Yet, for enabling to be successful, political consensus, needs to be a part of the framework.

A secondary point for the application of the enabling framework that the MHS case suggests we must consider, is the question of who is actually enabled. Uche Ikejiofor

writes about small-scale developers being rampant and meeting the need for affordable housing in Abuja in the 90s. These semi-formal commercial producers of flats for sale and rent, provided accommodation for the majority of the city's middle and low income populations (Ikejiofor, 1997). One of the major issues was that because of the development control processes they couldn't easily access land for development in the FCC so the majority of their development was concentrated in satellite towns (i.e. areas in the FCT outside of the FCC). The very limited development that occurred within the Federal Capital City, according to FCDA officials, either 'remained vacant or was bought by the extremely rich'.

It is unclear the extent to which, if at all, these developers are the same as those operating under the MHS. However, what is clear is that the homes being produced by the MHS are definitely much higher priced and of a different product type than those produced by the small-scale developers of which Ikejiofor writes. This begs the question- to what extent has this 'enabling framework' actually facilitated the development of affordable housing for low and moderate-income households? As other sections of this thesis have argued, it hasn't.

In a case study on the Ahmedabad government's enabling of private developers of affordable housing, Vinit Mukhija questions the enthusiasm for the "enabling" housing framework by providing an empirical account of its potentially adverse impacts, as evidenced by the Ahmedabad case. He focuses on The Parshwanath Group, a private housing developer that was enabled by the public sector through eased financial access but soon afterwards, the developer stopped constructing housing for the low and modest-income groups (Mukhija, 2004).

Mukhija argues:

The events in the case study indicates the need for a more cautious, circumspect and varied policy approach, as market-driven, enabling strategies focused on market actors can produce highly uncertain outcomes...Policy-makers need to base evolving enabling policies on experience and evidence. A circumspect approach that involves evaluation of prior policies, pilot projects, 'learning by doing' and robust research may help to ensure better chances of success.



In discussing how to enable markets Mukhija makes a number of important points. The most relevant is his challenging of the conventional wisdom that argues that regulatory barriers are the key to enabling the informal sector. He brings to light the ways in which public enabling may adversely impact informal institutions and practices. One key example is that in the Ahmedabad case before enabling developers were able to collect loan repayments through pre-dated checks and the use of force. After enabling, such practices were illegal and untenable. While not condoning violence Mukhija acknowledges that the pre-enabling practices were critical features for securing developers' flexibility and chances of success. Furthermore he argues that conventional approaches downplay the unpredictable impact of enabling on developers' incentives to continue producing affordable housing. In his case the Patel brothers, once accustomed to the more formal processes, moved up market, where margins and social prestige are higher.

Similarly, Fernando Kutsnetzoff, writing about housing policies under Pinochet, notes that the private sector, when left to its own inspirations, through a framework characterizable as 'enabling', produced fewer houses annually than it had under previous administrations. Even the housing that was produced was located in upper and middle class areas because of the higher profits associated with such a product. Both Mukhija's and Kutsnetzoff's findings are relevant in the MHS case because they inspire critical reflection: for whom have the developers participating in the MHS been 'enabled' to provide housing? One newspaper article critical of the MHS provides some perspective. The reporter writes:

The major objective was defeated as these houses and plots are beyond the reach of the masses. Since, this mass housing scheme is aimed at providing shelter to the common masses, rich men should not be entitled to buy from the mass housing scheme. Houses should be built to common man specifications and should be sold to them only. Good houses that cost no more than three million naira, so that with the minimum wage of 18,000 naira a civil servant can own a house of his own (DailyTrust, 2011).

It is possible that the developers participating in the MHS are those who in the 1990s provided much of the affordable housing in satellite towns, about which Ikejiofor

writes; if this is the case, then 'enabling,' as it was done through the MHS, might actually have had a detrimental effect on the availability of housing for lower income groups.

In her book, "Learning to be Capitalists", Annette Kim argues that policy discourse would make a greater impact if we conceived of development as an institutional change process rather than a particular institutional framework to be emulated (Kim, 2008). Though writing with a focus on China, David Wank, argues that patronage and clientilism are part of the institutional process of marketization (Wank, 1996). Lessons from the MHS case suggest that broadening the enabling framework so that it 1) acknowledges and 2) tries to address such processes may allow for change that is less about the establishment of a particular framework but may more effectively advance the goals around particular policy discussions such as affordable housing.

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